

AN ALTERNATIVE ISLAMIC THEORY OF OPEN POLITICAL DISCOURSE

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Abstract

An Alternative Islamic Theory of Open Political Discourse

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Political discourse theory, fundamental to political science, emphasizes the importance of open, inclusive, and rational discourse for the evolution and functionality of democratic societies. This study examines the concept of open political discourse within the Islamic political framework, contrasting it with Western democratic traditions. The initial segment of the study is dedicated to unraveling how the concept of political discourse originated in Western contexts. This investigation delves into the genesis, rationale, and application of open political discourse in Western societies, aiming to establish a benchmark for such discourse within this milieu. Subsequently, the research shifts its focus in the second part to examine whether analogous discursive practices can be identified within Islamic traditions, approached through a lens deeply rooted in Islamic theological and philosophical perspectives. This segment endeavors to formulate a theory of discourse that is intrinsically Islamic and devoid of Western influences, thereby defining a distinct Islamic criterion for open political discourse. Upon establishing this standard, the study aims to then re-engage it with Western democratic discourse in a contemporary setting, thereby assessing its applicability and relevance to current political scenarios. The overarching goal is to establish an alternative Islamic theory of open political discourse, one that is systematized, detailed, grounded, profound, and inclusive of both the elite and the public, ensuring effective checks and balances and accountability to the public.

The dissertation unfolds in three parts. The first part derives a theory of open political discourse from Western political history, examining its emergence, definitions, and narratives. The second part delves into Islamic thought, seeking to extract a similar concept of open political

discourse from Islamic sources, independent of Western influences. This section aims to develop a distinctly Islamic notion of open political discourse, drawing from Islamic philosophical and theological texts. The final part synthesizes these insights, proposing a practical application of this Islamic open political discourse in contemporary Muslim-majority nations.

Methodologically, the research combines analysis of Western political theory, Islamic political principles, and historical experiences. It aims to provide a new interpretation and model for a truly Islamic open political discourse, one that ensures human rights and full political participation for all citizens. The dissertation addresses a critical gap in Islamic political thought, offering a unique contribution to the field by redefining open political discourse in an Islamic context, separated from the traditional democratic paradigm. This research is particularly relevant to political theorists, social activists, and civic leaders, especially in Muslim-majority countries seeking a form of open political discourse grounded in Islamic principles.

The dissertation concludes with the formulation of an alternative Islamic theory of open political discourse. This theory is designed to be systematized, detailed, grounded, and profound, encompassing both the elite and the public, and providing effective checks and balances for an administration. It aims to make Islamic governments more accountable to the public. By analyzing and interlinking the concepts of open political discourse from Western and Islamic traditions, the research aims to offer a unique, practical framework for contemporary Muslim societies. This framework not only addresses the current political challenges but also recontextualizes them within a deeply Islamic theological and philosophical perspective.

Dedicated to all who have been victimized by injustice, inequality, oppression, tyranny, and despotism, with a special emphasis on the Turkish nation, acknowledging their struggles and affirming a commitment to universal justice and dignity.

Acknowledgments

In the classical period, the primary objective sought through politics was to establish a harmonious, peaceful, stable, and virtuous societal structure by upholding justice and righteousness. Unfortunately, in modern times, politics has too often deviated from lofty ideals and moral principles, becoming a corrupt natured tool for power and self-interest. Consequently, today's politics is often seen as a vile pursuit that honest people should avoid. Bediuzzaman Said Nursi, a prominent Islamic scholar, theologian, and writer known for his influential interpretations of the Quran and his efforts to reconcile modernity with Islamic tradition, described contemporary politics, driven by self-interest, as a "monster," stating: "Current politics has delved so deep into lies, deceit, and devilry that it has become akin to the tools of devils."¹ On another occasion, Bediuzzaman withdrew from political life, disturbed by the nefarious outcomes of politics, upon seeing a religious scholar debase an opponent of his political ideology while praising a hypocrite of his own view, exclaiming, "I seek refuge in Allah from Satan and politics."²

However, in a society devoid of governance and administrators, *i.e.*, without a political order, anarchy, chaos, and strife are inevitable. Unchecked power will replace justice and righteousness, with the powerful deemed right without question or critique. Basic rights and freedoms will be at risk, and violations of rights, injustices, and sufferings will be widespread. Thus, it must be emphasized that it's not politics itself but its human-corrupted interpretations and practices in modern times that are problematic. Islamic political thinkers assert that without a political authority, it's impossible for people to live in stability, peace, and justice, to resolve conflicts and unrest justly, to ensure order and stability, and to protect fundamental rights and

¹ Bediüzzaman Said Nursi, *Sözler* (Istanbul: Şahdamar Yayınları: 2007), 525.

² Bediüzzaman Said Nursi, *Mektubat* (Istanbul: Şahdamar Yayınları, 2007), 303.

freedoms.³

Nevertheless, on the other hand, when examining examples and teaching from the Quran and *Sunnah*, it's evident that they do not overly focus on the specifics of governance and politics but rather on matters concerning individuals and society. From this, we understand that Islam's goal is not to prescribe a top-down state system but to build a moral and pure society composed of individuals who have acquired a second ethical nature through Islam, thereby creating an ideal social structure. The form and format of the administrative mechanism are left to a society matured through Islamic nurturing. Such a society is obliged to establish the most just and beneficial system through consultation. The universality of Islam, addressing all times and places, and the human role as caliph-a steward on earth necessitate this. Therefore, the primary factor that will determine the political structure and state policies in Islam is the society itself, along with its demands and expectations.

Fascist and totalitarian regimes, whether Islamic or not, which aspire to reshape society entirely through the use of force and violence with the power and means at their disposal, have not been seen to be successful thus far. The greatest legacy they have left to humanity has been blood, tears, and suffering. Unfortunately, today's Islamic discourse is overly politicized, and particularly, political Islamists and some radical groups in the name of Islam have reduced Islam's universal and inclusive message to a regime project. They have misused religion and transformed it into an ideology to seize power and govern people based on their imagined constructs. Their actions have not only caused immense suffering but have also distorted the

³ Imam al-Haramayn al-Juwayni, *Giyâsü'l-Ümem fî Ittiyâsi 'z-Zulem*, ed. Mustafa Hilmi and Fuad Abdülmünim (Alexandria, Egypt: Dâru'd-Da've, 1400/1979), 16-18; Muhammed Ziyâuddin Rayyis, *En-Nazariyyâtü's-siyâsiyyeti'l-İslâmiyye* (Cairo: Mektebetü dâru't-türâs, 1976), 131-143; Fethi Düreynî, *Hasâisu't-teşrîi'l-İslâmî fî's-siyâseti ve'l-Hukm* (Beirut: Mu'assasat al-Risale, 2013), 275-282; and Abdurrahman b. Ahmed el-Îcî, *Kitâbü'l-Mevâkif* (Beirut: Dâru'l-cîl, 1997), 581.

image of Islam, leading to increased Islamophobia and misunderstanding of the religion worldwide.

The evolving political landscape in Turkey, my native country, under the stewardship of the Justice and Development Party (AKP) and its leader, President Recep Tayyip Erdoğan, epitomizes a profound case study of political Islamism's ramifications on governance, societal dynamics, and the liberties of individuals. Ascending to power in 2002, the AKP initially championed democratic enhancements and endeavored towards integration with the European Union. Nonetheless, over time, the party is alleged to have gradually embraced Islamic rhetoric as a mechanism to fortify its hold on power, concurrently engaging in the erosion of secular frameworks, the imposition of constraints on freedom of speech, and the undermining of the judiciary's autonomy. The aftermath of the failed coup attempt in July 2016 marked a pivotal moment, as the administration instituted a state of emergency and initiated an extensive purge against those it accused of involvement in the coup. This campaign has ensnared a wide array of individuals, encompassing academics, educators, media professionals, civil functionaries, and judicial members, with countless individuals being incarcerated, detained, or relieved of their professional duties pursuant to emergency decrees. The repercussions of these actions have been extensive, including credible allegations of human rights violations such as torture, random detentions, and breaches of fair trial principles. Moreover, the governmental crackdown has permeated various sectors including the media, non-governmental organizations, and educational establishments, culminating in shutdowns and the muzzling of oppositional viewpoints.

This distressing experience, which I have observed firsthand in my own country, underscores the intricate interplay between political Islamism and governance. It vividly illustrates how the politicization of religion can profoundly influence societal norms, erode the

foundations of democratic principles, and encroach upon individual freedoms. This phenomenon is not confined to a single geographical or cultural context but is observable across diverse landscapes. The manipulation of religion for political ends not only destabilizes the delicate balance between state and religion but also has far-reaching implications for the social fabric and the governance structure of affected societies. Therefore, to counteract the negative impacts of politicized Islam and support the victims of these regimes, a broad project based on the alternative Islamic open political discourse theory is necessary. This theory advocates for an interpretation of Islam that is inclusive, respects human rights, and promotes democratic principles.

Embarking upon this scholarly endeavor, the genesis of my motivation and the foundational reason for undertaking this study are rooted in a deeply poignant experience, particularly in the context of the unfortunate events that have unfolded in my homeland, Turkey, over the last ten years. This experience prompted a contemplation on a grave challenge that has long beset the Islamic world: the politicization of Islam, a condition that can arguably be described as a chronic misfortune. It is with a view to addressing this issue from its roots that this research was conceived, aiming to not only explore substantive solutions but also to modestly chart a roadmap for generations yet to come. The aspiration herein is not to unveil a miraculous solution that would completely obliterate this age-old, formidable challenge. Rather, the essence of our endeavor is to outline a navigational guide for our successors, providing them with at least a point of commencement.

It is at this juncture that I feel compelled to express my deepest appreciation and gratitude towards my distinguished spouse, Mrs. Selma, whose unwavering material and spiritual support has been a constant source of strength and solace amidst the challenges posed by the vicissitudes

of time and the exigencies of life, which have invariably extended the duration of this study. My gratitude also extends to my beloved sons, Sabri and Basri, for their patience and understanding during times when my commitments to this work unavoidably detracted from moments that could have been spent with them.

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Chapter 1

INTRODUCTION

1.1 A Concise Formulation of the Problem to be Examined and Research Question

Since the human being is a social entity and relations among individuals that form societies are essential, there is a need for a system that regulates these relations between individuals and the community at large and provides solutions for possible problems and conflicts between them. We call this management system politics, in other words, the science or the art of government, or the administration of national or public affairs. Politics is a multifaceted and complex word that often connotes dishonesty for contemporary audiences; yet, as in the definition presented above, it can also be phrased with a descriptive and nonjudgmental meaning. More importantly, a healthy and strong political practice is necessary to maintain a peaceful and harmonious society. Thus, the religion of Islam, encompassing every facet of individual and societal life, advocates cardinal principles in the realm of politics, including justice, liberty, equality, protection of rights, rule of law, accountability, welfare and peace, etc. Despite these principles, early Muslims were not able to establish a robust political and administrative system after the Prophet (who was not just a religious leader, but also the first political administrator in this Islamic political leadership model) passed away; they could not utilize these essential principles of Islamic political theory, and, hence, political experiences of Muslim nations have rarely been trouble-free. So, unfortunately, we cannot find a sustainable, consistent, and sound political and governmental system in Islamic history.

Throughout the political history of Islam, following the era of the Prophet and the immediate period of the Rightly Guided Caliphs, Islamic governments have predominantly exhibited a leader-centric approach, thus, state management has been largely dependent on

leaders' talent and character. In addition, the leader is often perceived to be a few steps ahead of the general position of society at large, and because the primary purpose is the continuation of the government, people's rights can be taken away very easily due to these political obligations. Even when a leader is skilled, capable, impartial, and just, and hence the governmental management goes well, these most ideal and democratic Muslim leaders could turn into dictators over time due to power poisoning, moral lapses, or the lack of checks and balances within the system of governance. So, unfortunately, I would argue, we cannot find a sustainable, consistent, and sound political and governmental system in Islamic history after the Prophet.

I believe one of the main reasons for this imbalance and disorder in the state governmental structure in Islamic political culture is the lack of a powerful, established, and institutionalized theory and practice of open political discourse that provides effective checks and balances for the administration and makes it consistently accountable to the public.

Why has open political discourse not been instituted in Muslim nations over time? Is this a structural problem related to the essence of Islam, or has it occurred as a functional problem caused by Muslims? If it is not a structural problem, what are the principles for an Islamic theory of open political discourse?

So, as the overarching goal of my dissertation work, I seek an answer to this question: what are the new things needed in an Islamic society to establish an alternative Islamic theory of open political discourse, which is systematized, detailed, grounded, profound, incorporates not only the elite but also the public into the political process, provides effective checks and balances for the administration, and makes it consistently accountable for the public as well?

1.2 Summary of the Argument and the Dissertation Plan

Even though open political discourse has not been instituted in Muslim nations after

Prophet Muhammed; and thus, most Muslim early nations were, just like today, in an imbalanced and disordered state of governmental structure, the structural problems do not stem from the core belief and basic sources of Islam. Instead, this has occurred as a functional problem caused by Muslim people, I argue. Therefore, when we thoroughly understand and properly contextualize the essential sources of Islam, namely, the Quran and the Prophetic traditions, while also examining the admirable examples of open political discourse practices in Islamic history, we can find Islamic principles of open political discourse drawn out from these essential sources. We have the principles for basic open political discourse in the Quran and in the practices of the Prophet. Albeit few, we have excellent and instructive examples of some open political discourse experiences in Islamic history, as well.

In part one, this study attempts to derive a theory of open political discourse from an examination of Western political history and Western democracies. I am going to examine the question of open political discourse and give an overview of the discussions of open political discourse. This includes the following themes: how this notion of open political discourse emerged, definitions, examples, narratives that drive this discourse, and how it is connected to other areas of society. I will focus on the key political thinkers and cases which provide the most insight regarding a Western open political discourse experience.

I will go deeper, in the second part, into Islamic thought after the brief discussions of the Western open political discourse theories in part one. I will extract the notion of open political discourse and free it from Western democratic sources to uncover something similar in the Islamic tradition. I believe that when we extract an open political discourse from modern Western thought and apply it in another context, returning to the seventh century, then we can examine that notion specifically regarding the history of Islamic philosophy, theology, and

political practices. Related questions include: Where and when was this kind of discourse present or discussed? When was it absent? When might it have been helpful?

This entire second part will utilize scholarship in Islamic philosophy and theology. I will try to develop an Islamic analog of an ideal known in the West as open political discourse; by the end of part two it is my hope to develop a distinctively Islamic notion of open political discourse.

In short, part two will conclude with an overview of the principles on open political discourse that we have driven from a close study of philosophical and theological texts of Islam that can be applied in Muslim-majority nations. It also should serve as a model for communities that seek an open political system uncoupled from a specifically Western style of democracy. Through close readings of important Islamic theological texts and social commentary, we will uncover the underpinnings of this framework, and re-discover a naturally Muslim and wholly open political system, that ensures human rights and full political participation for all citizens, for use in contemporary civic spaces.

Part three includes key recommendations for application. In this part, I will take the deeply Islamic notion expressed in the previous paragraphs, and I will take that notion and attempt to build it into a proposal for political practice in Muslim-majority nations. Basically, I will take that notion of open political discourse, and I will apply it to today's contemporary political situations in Muslim-majority nations. Briefly, part three is a synthesis of those two things: A distinctively Islamic notion of open political discourse, and an exploration of how it might be implemented to impact a so-called Islamic form of governments of today.

Eventually my plan in this work as a whole is to begin with a problem, to examine resources from the West in part one, to look at resources in Islamic philosophy and theology in part two, and to synthesize this Islamic notion for the political problem of Muslim majority

nations in part three. This allows us to explore the idea of a modern open political discourse with a thoroughly Islamic notion to develop an application for real use in contemporary societies.

When we analyze the story of the emergence, justification, and practice of open political discourse in the West by asking the specific question, “How did the notion of political discourse emerge in the West,” and then collect the main principles and applications of open political discourse in the West, we can contextualize an Islamic notion of open political discourse for today’s contemporary needs. Therefore, when we finally interlink both traditions and translate the concepts of open political discourse found in these two traditions to the contemporary Islamic universe, we can provide an alternative Islamic theory of open political discourse to accommodate modern Muslims’ needs and provide a unique functionality in the practical political life of contemporary Muslims. This functionality will be systematized, detailed, grounded, and profound, incorporating not only the elite but also the public into the political process, providing strong checks and balances for the administration, and making it always accountable for the public as well.

In other words, I attempt to write my dissertation in a kind of revolutionary switch. Namely, in the first part of my study, I will try to find an answer to a specific question, “How did the notion of political discourse emerge in the West?” And by moving outward from that central point, I will try to construct part one that is the story of the emergence, justification, and practice of open political discourse in the West. So, I could frame the entire presentation of part one with the goal in my mind to name the standard for open political discourse in the West. Keeping that concept, I will then ask, in part two: Can we find something like this kind of discourse in the core Islamic sources and in the historical practices; but now in a deeply Islamic theological philosophical way? More specifically, I will try to develop that theory of discourse on its own in

the contexts of Islamic theology and philosophy, with no impact from Western sources to attain with the goal being a clearly Islamic standard for open political discourse. Then, when the standard develops into a rich and full one, I can bring it back into dialogue with a Western democratic discourse by way of the modern context and could then apply it to contemporary political situations.

1.3 Methodology

I am going to utilize and explore three different areas of scholarship for each part of my dissertation. While in part one, I will analyze Western open political theory, in part two I will examine Islamic open political principles and historical experiences supporting this idea. As for the third part, I will try to apply these open political discourse principles to the contemporary world with a unique perspective for mostly modern Muslim nations.

More broadly, it's obvious that the kind of open political discourse that many find attractive has been especially present in Western political experiences. So, I derive first a theory of open political discourse from a study of Western political history and practices. And then, I will examine this type of political discourse in the core belief and principles of Islam and in the political history of Muslim cultures. When we deeply understand and contextualize the essential political principles of Islam, we find that, indeed, today's modern form and principles of government and the basic Islamic open political discourse experiences and doctrines are tangled together in modern Western political thought. In this project, I attempt to separate these and extract some of these forms of discourse to place them back into dialogue with the Islamic tradition. In other words, I am taking some models of open political discourse from Western political experiences and bringing them into dialogue with the Islamic tradition and adopting those ideas into the context of Islamic theology and philosophy.

In other words, I attempt to use a kind of methodology of a continuum from the very abstract to the very concrete. I believe that if we have the criteria to recognize the presence of open political discourse in the West and three or four major standards for successful open political discourse in part one, and something similar in Islam such as three or four principles, standards for open political discourse in part two, in Islam, then in part three, I can turn to the world and ask: What would it mean to employ these standards to criticize systems based on the standards and to suggest reforms based on the standards? Eventually, I can provide an alternative open political discourse theory for the contemporary context from the more abstract forms of principles but to a very concrete conclusion.

Moreover, I am aware that criticism and analysis of historical political cultures under the lens of today's modern political perspectives and practices can create a kind of anachronism. Hence, I will be careful to understand and analyze both the previous examples and modern thought comprehensively, and then provide the best possible open political theory in our contemporary context by avoiding anachronisms as much as possible.

Lastly, the methodology of this research is descriptive; in it, I seek to survey various historical political frameworks and conduct content analysis of the themes that arise in some examples of open political discourse and in potential Islamic theological tools for application. Through examination of this data, I will interpret a new understanding of how these systems work together. This will provide results—a new interpretation and model for a truly Islamic open political discourse that is at once completely open, and clearly Islamic.

1.4 A Scope of the Research and Limitations

In both parts, in Western political thought and in Islamic political thought, I attempt to examine one thing solely, namely, open political discourse. I cannot address the whole history of

thinking and concepts in this area, but instead focus on one specific question: What is the story of the emergence, justification, and practice of open political discourse in the West *and* in Islam? This research scope is primarily concentrated on a select group of prominent Western thinkers and their significant contributions to the field of open political discourse. Similarly, the second part narrows its focus to the core principles of open political discourse within the Islamic tradition, rather than encompassing a broad range of historical political actors.

Moreover, to keep from becoming too abstract or mired in the more metaphysical parts of either tradition, I attempt to maintain structure and focus on the aims of part one and two. To glean the most important aspects and concrete applications of political discourse theory in the West, I will define four-five major standards for successful open political discourse in part one, and then in part two I attempt to specify four-five principles, standards for open political discourse in Islam. Then in part three, I can provide a solid alternative open political discourse theory to the contemporary context growing from the very abstract forms of principles but coming to an extremely concrete conclusion. Otherwise, if parts one and two become too abstract, part three (with the call for a real model for application) becomes untenable.

The audience for this research includes political theorists and leaders, social activists, and all those engaged in civic endeavors, particularly Muslims in Muslim-majority countries. The framework that emerges from part three will be suited for application in any political community that seeks open political discourse and promotes human rights, especially those who would like a form of open political discourse grounded in Islam, and akin to robust Islamic theology and practice from previous centuries and communities. Non-Muslims who seek to find examples of open political discourse uncoupled from Western democracy may also find this research fruitful.

1.5 Balance between Political Realism and Idealism

Addressing the concern that this study presents an unattainable ideal, it is crucial to emphasize the strategic, incremental approach advocated for the realization of Islamic democracies. The roadmap outlined is not a call for an overnight transformation but a guide for gradual, context-sensitive reforms that respect the unique cultural, social, and political landscapes of Muslim majority nations. This incremental approach demonstrates a deep understanding of the complexities involved in governance reforms and reflects a commitment to realistic, achievable change.

The dissertation's narrative is both visionary and grounded, challenging the binary opposition between idealism and realism. It articulates a nuanced, evidence-based argument for the feasibility of Islamic democracies, drawing on historical precedents, contemporary examples, and scholarly analysis. By presenting a balanced, informed, and pragmatic roadmap, the work effectively addresses and counters the criticisms of utopianism, affirming its contribution to the discourse on democracy and governance in Muslim majority nations.

For instance, Ali Fuad Başgil, a renowned Turkish scholar, offered a multifaceted perspective on democracy, emphasizing its complexity beyond merely being a form of governance:

Democracy is firstly a specific system of government and administration. Secondly, it represents a certain mentality, an education, a societal view, an atmosphere, and an environment. Ultimately, democracy is a spiritual value on human existence and an ideal that reaches for a higher quality of life and happiness.¹

Ali Fuad Başgil's comprehensive perspective on democracy, as articulated above, presents an

¹ Ali Fuad Başgil, *Demokrasi Yolunda* (Istanbul: Yagmur Yayınları, 1961), 25.

intriguing synthesis of political realism and political idealism. His view encapsulates the practicalities of democracy as a system of governance (political realism) while also embracing the aspirational virtues it signifies for society and the individual (political idealism).

From the standpoint of political realism, Başgil acknowledges democracy as a "specific system of government and administration," recognizing the tangible, institutional framework that characterizes democratic governance. This aspect underscores the importance of structures, laws, and procedures that enable participatory governance, the rule of law, and the protection of freedoms and rights. It aligns with the realist perspective that emphasizes the pragmatic aspects of political organization and the management of power within a society. In Islamic political thought, this can be paralleled with the emphasis on justice (*'adl*), consultation (*shura*), and accountability of rulers (*muhasaba*), which are foundational principles that ensure a just and balanced governance system.

Conversely, Başgil's reference to democracy as representing "a certain mentality, an education, a societal view, an atmosphere, and an environment" and as a "spiritual value on human existence" ventures into the realm of political idealism. This perspective views democracy not merely as a political system but as a civilizational ethos that nurtures human dignity, freedom, and the pursuit of happiness. It speaks to the idealistic vision of creating a society where individuals are not only governed through fair laws but are also part of a culture that values education, ethical conduct, mutual respect, and a shared commitment to the common good. In Islamic terms, this resonates with the concept of *ummah*—a community bound by shared values, striving for moral excellence and the welfare of all its members. It reflects the prophetic mission to refine the human soul and society, underlining the spiritual and moral dimensions of governance.

Interpreting Başgil's approach through the dual lenses of political realism and idealism reveals the depth and breadth of democracy as a concept that transcends mere political arrangements. It suggests that a truly democratic society is one that balances effective governance with moral and spiritual upliftment. This balance is akin to the Islamic principle of balancing the material with the spiritual, the individual with the community, and authority with accountability. It encapsulates the aspiration towards an ideal society while acknowledging the practical mechanisms necessary to achieve it.

Thus, Başgil's perspective offers a profound insight into the essence of democracy from an Islamic viewpoint, suggesting that the ultimate goal of governance should be to enhance human life on both material and spiritual levels. This synthesis of realism and idealism underlines the belief that political structures and systems should not only facilitate efficient and fair governance but also foster an environment that nurtures the higher values of justice, morality, and collective well-being.

1.6 Original Contribution to the Knowledge of the Field

Contrary to the overall, dominant understanding in classical Islamic political thought, I am hoping to uncover the core open political discourse principles in Islamic tradition by deeply analyzing and accurately contextualizing the essential Islamic sources and historical experiences supporting this idea and thus provide a new and richer Islamic notion of open political discourse that have not yet been expressed in such clear way. It can be a distinctive and necessary contribution for practice in Muslim-majority nations today.

Examining both traditions, Western and Islamic, independently will allow me a fresh perspective on modern Western political experiences, first, to discover a kind of discourse, and then give it the name of open political discourse. Continuing that concept, I find and analyze

patterns related to this discourse in Islamic sources and in the historical practices of Muslim political culture. Then, I attempt to develop (in the contexts of Islamic theology and philosophy) that theory of discourse on its own, without impact from Western sources. Finally, I bring them back into dialogue with each other by way of the current modern context. In sum, I attempt to build my dissertation around a Western notion that has never been tried in this context and that has never been defined in pure terms for application, despite the fact that it (currently) takes an incompatible form.

1.7 What is the Term, “Open” Political Discourse?

Important indication of why I choose the term, “open” political discourse instead of “democratic” political discourse.

Most scholars affirm that the United States became the first modern constitutional democracy in 1776 with its declaration of independence from Britain. Soon after that (1776 to 1789), democracy was formed in Paris for France. Although many agree that democracy is the best of the political systems— monarchy, oligarchy, tyranny, and democracy—we currently have, it is not without deep flaws and problems even in contemporary democratic expressions. Arguably there’s never been a genuine democracy. So, as an Islamic academic, I argue that democracy may be best among these limited options, but it still needs to be improved and altered in certain ways for modern societies which include greater diversity than ever before, including Muslims, Christians, Jews, Buddhists, non-believers, and others.

On the other hand, some forms of discourse have been a part of modern Western democracies, and they are often then referred to as democratic discourse, meaning a kind of political discourse that takes place in democracies. However, it is crucial to my thesis that this kind of discourse does not occur exclusively in modern Western democracies; I posit that it has

been a part of discourse in many different political systems for thousands of years. For example, one may observe examples of this kind of discourse in China in the ancient dynasties, even though they had no conception of the notion of democracy as we understand it. Throughout centuries of Islam, there were also examples of this kind of political discourse before modern democracy was finally born in the West.

It may be true that the kind of discourse that we find more attractive has been especially present in modern Western democracies. However, I argue that we do not need a so-called democratic form of government to have this type of political discourse. My dissertation will examine this type of political discourse in pre-democratic political systems, such as in the early years of Islam. I will attempt to show that the kinds of discourse that we find in a democracy may be separated from that particular type of government and may be included as part of a political discourse of any form of political power in a country, say under a caliph in the early centuries of Muslim history. Indeed, today's modern democratic form of government and what I might call democratic political discourse in pre-democratic times are tangled together in modern Western political thought. In this project, I will try to separate these and extract some of these forms of discourse to place them back into dialogue with the classical Islamic tradition. In other words, I am taking some models of political discourse from democratic forms of government, but I am bringing them into dialogue with the classical Islamic tradition which does not utilize democracy as a form of government. I plan to weave those ideas into the context of Islamic theology and philosophy.

I seek to avoid using the adjective "democratic" for political discourse because that evokes the sense that it requires a form of political governance called "democracy." Instead, I use "open political discourse" as a technical term in my dissertation, which allows me to abstract

these ways of doing political discourse out of the Western modern context and seek parallels in early Islamic history. That means I will build my dissertation around a Western notion that has never been tried and has yet to be defined in pure terms, for application, even though it (currently) displays an incompatible form. This is why I try to avoid the word “democratic” as an adjective and support “open political discourse” as a clearer and technical term. Each one of those three words can be clearly defined apart from any particular political system. Hence, this is the only phrase that we can really take with us from the modern political challenges of 2024 back to the early years of Islam, as I do this work.

Chapter 2

WESTERN POLITICAL THOUGHT

2.1 Ancient Political Philosophers: Socrates, Plato, and Aristotle

2.1.1 Introduction

Why is it vital to study the writings of ancient philosophers in our academic journey? First, the contributions of Socrates, Plato, and Aristotle tackle core questions that have been considered and explained in different ways through history, and they remain relevant in today's political studies. These classical texts shed light on critical issues such as the foundation and objectives of governance, the reasons for political duty, individual rights versus state authority, the essence of sovereignty, the balance between executive and legislative powers, and the concepts of political freedom and social justice, among others. In other words, these eminent political thinkers from ancient Greece are not renowned merely for crafting intellectual relics that might be displayed, revered, and subsequently overlooked akin to artefacts in the Metropolitan Museum of Art. Instead, their significance lies in framing the challenges that subsequent intellectuals and scholars had to address to understand their environment.

Furthermore, one can convincingly contend that these principles have not just been disproven, substituted, or outdated by historical events; they still fundamentally shape our core perspectives and principles in political studies. They are very much relevant and present with us today.

Although they are trailblazers in the realm of politics, we won't treat their contributions as sources of definitive solutions to contemporary challenges. Only we have the solutions to our current challenges. Instead, these seminal texts offer a collection of essential and enduring inquiries that political scientists persist in drawing upon in their research.

Indeed, it's worth noting that in the realm of political science, there aren't any definitive conclusions. A well-known thinker has proclaimed that each question must possess a precise solution, with only one answer per question. Yet this view is highly debatable. There exists a deep divide among prominent philosophers regarding the solutions to even some core issues about justice, rights, and freedom. Thus, in our exploration of these philosophers, merely saying "because it's what Plato stated," doesn't provide a comprehensive answer. The absence of a unanimous viewpoint among these eminent scholars is precisely what indicates that there aren't any ultimate authorities in political discourse. This diversity in thought, usefully, allows us, as contemporary readers, to participate in their discussions.

In addition, it should also be noted that like all aspects of human experience, political study is conditioned by environment and by the scope and limitations of mind, and the answers given by successive political philosophers to perennial problems reflect the knowledge and the assumptions of their times. So, the great political thinkers were typically engaged in the politics of their times and help in that way to provide us with models for how we might think about ours.

2.1.2 Socrates (470-399 BCE)

2.1.2.1 Historical and Contextual Backdrop

Socrates was nearing the age of 40 when the Peloponnesian War began, a conflict between the leading Greek factions of Spartans and their allies versus Athens and its partners. This prolonged war, lasting nearly three decades, concluded in 404 BCE with Athens' defeat. Athens was then controlled by Thirty Tyrants for a year. However, the next year, in 403 BCE, they were overthrown, and a democratic government was reestablished. Socrates, having served in the military, was later charged in 399 BCE with corrupting the youth and refusing to believe in

the city's deities. Essentially, he was accused of treason, a severe crime, and subsequently sentenced to death at 70 years old.¹

2.1.2.2 The Apology of Socrates

Our knowledge of Socrates comes from Plato's "The Apology of Socrates," which captures Socrates' defense speech during his trial.² The text emphasizes the tension between intellectual freedom and political obligations. Can free thinking coexist with political life, with civic duties? "The Apology" stands as a beacon against suppression of free speech, reminding us of the dangers of censorship. Hence, "The Apology" serves as the seminal text in our examination of open political discourse.

"The Apology" depicts a lone philosopher dedicated to the philosophic, examined life,³ standing against a prejudiced majority. This sentiment resonates with John Stuart Mill's "On Liberty," where he recollects Socrates' challenges with the legal bodies of his time. Mill wrote, "Mankind can hardly be too often reminded that there was once a man named Socrates between whom and the legal authorities of his time there took place a memorable collision."⁴ Socrates is depicted as a champion for freedom of expression and has since been likened to notable figures such as Jesus, Galileo, Gandhi, and the Reverend Martin Luther King, Jr., symbolizing resistance against unchecked authority.

2.1.2.3 A New Citizenship Model and Civil Disobedience

¹ Thomas C. Brickhouse and Nicholas D. Smith, *Socrates on Trial* (New York: Oxford University Press, 1989), 13-17.

² Brickhouse and Smith, *Socrates on Trial*, 10-11.

³ Plato, *Apology of Socrates and Crito*, in Plato and Aristophanes, *Four Texts on Socrates*, trans. Thomas G. West and Grace Starry West (Ithaca: Cornell University Press, 1984), 38a.

⁴ John Stuart Mill, *On Liberty*, ed. David Spitz (New York: W. W. Norton, 1975), 24.

Regarding our discussion on open political discourse theory, one of Socrates' most substantial and perhaps pivotal contributions is his innovative perspective on what it means to be a citizen. Central to Socrates' philosophy is a redefined concept of citizenship. Instead of the traditional view of the citizen, including specific concepts of citizen loyalty and patriotism, molded by poets like Homer, he introduces a rational, philosophical perspective, valuing independent thought and reason.

At this juncture, one might question how citizenship can be genuine and dependent on the powers of personal discernment. Doesn't citizenship inherently involve participation in public affairs and communal activities? Indeed, when Socrates refers to his life as being private, he implies that he has followed a policy of "*principled abstinence*"⁵ from public life. Consequently, a core element of Socratic citizenship is this principled resistance to legal mandates, reminiscent of Thoreau's concept of civil disobedience.

2.1.2.4 The Framework and Limit of Civil Disobedience

Interestingly, though advocating for a form of principled civil disobedience in "The Apology", Socrates submits to the law's authority in a conversation with his affluent associate, Crito. In this Platonic dialogue discussing piety, Socrates presents an argument against fleeing and defying the law, and he appears to submit to the very legal authority he once seemed to challenge. That is, Socrates here seems to fully acknowledge the dominion of the law, refraining from presenting justifications for nonconformity as he had in "The Apology." This duality raises questions about Socrates' stance towards the state.

⁵ Steven B. Smith, *Political Philosophy* (New Haven: Yale University Press, 2012), 29; Plato, *Apology of Socrates and Crito*, 33a.

Scholar Steven B. Smith offers an interpretation that harmonizes these seemingly opposing views. Smith points out that in the initial speech of "The Apology," Socrates challenges the city's threat of execution by showing apathy towards death, and similarly, in "Crito," he demonstrates this same disregard for death by declining Crito's offer to facilitate his escape. These dialogues demonstrate not Socrates' belief in his own supremacy over Athenian laws. Instead, Smith posits that Socrates, up to his last moments, appears to remain very much a kind of law unto himself while simultaneously he offers Crito and those of similar sentiment a demonstration of reasoned and honorable compliance with the law.⁶

Alternatively, when we consider Socrates' death from a different angle, should we view it as a moral catastrophe, akin to an elderly man being condemned by an unfair law, or is it something entirely different? According to Smith, Socrates orchestrated his demise at seventy as a deliberate act of philosophical sacrifice, aimed at ensuring that subsequent generations would revere future political thought as a source of courage and justice.⁷ Socrates emerges as a paragon, standing valiantly against injustice, and spreading wisdom to willing listeners.

2.1.3 Plato (428/427 or 424/423 – 348-347 BCE)

2.1.3.1 Historical and Contextual Backdrop

Plato, born in 427 BCE, grew up amidst the upheavals of the Peloponnesian War and witnessed the decline of democracy in Athens when he was only 23. The death of his mentor, Socrates, at Plato's age of 28, deeply influenced him. This tragic event motivated him to address the political injustices of his time, leading him to establish the Academy, a school dedicated to

⁶ Steven B. Smith, *Political Philosophy* (New Haven: Yale University Press, 2012), 34.

⁷ Smith, *Political Philosophy*, 34.

training future philosophers, politicians, and lawmakers.⁸

2.1.3.2 The *Republic*

His seminal work, *Republic*, crafted after Socrates' execution, is a brilliant exploration of political philosophy, conveyed through engaging dialogues. The title "Republic" translates from the Greek word *politeia*, meaning constitution or regime. The profound insights presented in this work set the stage for later political philosophies, many of which can be considered extensions of Plato's foundational ideas and his understanding of ingredients for the best regime.⁹

Motivated by profound disillusionment and doubt regarding the potential for reform, *Republic* represents the inaugural effort by a European philosopher to infuse morality into political discourse. The initial five sections of the work focus on the creation of an optimal city – Plato's vision of *Kallipolis*, a city characterized by justice and beauty, governed by enlightened philosopher-kings. *Republic* seeks to forge a city in harmony, founded upon a notion of justice that aligns the well-being of both the individual and the society. For this vision to be realized, Plato asserts that the ideal city must prioritize cultivating the most virtuous and superior individuals. In his famous assertion, Plato believes that a city, irrespective of its nature, will always experience discord and internal disputes unless rulers become thinkers and thinkers take on the mantle of rulership.¹⁰

2.1.3.3 Critics of Plato

Thus, Plato can be seen as the precursor to the contemporary idea that only a structured political group, a party organization guided by well-defined "scientific" principles set down in

⁸ Mogens Herman Hansen, *The Trial of Socrates from the Athenian Point of View* (Copenhagen: Royal Danish Academy of Sciences and Letters, 1995), 3-8.

⁹ Steven B. Smith, *Political Philosophy* (New Haven: Yale University Press, 2012), 5-6.

¹⁰ Plato, *Republic*, trans. Allan Bloom (New York: Basic Books, 1968), 419a-420b.

writing and interpreted by a credible authority, is fit to lead the state. However, because Plato's rulers would constitute an elite group, not accountable to the general populace, despite his high moral intentions, he has been labeled an enemy of the open society and deemed a progenitor of totalitarianism. In other words, Plato's *Republic* is often criticized for its rigid and elitist social structure that mirrors a society with entrenched class divisions, such as those that existed in ancient slave-holding city-states. Modern political theory largely opposes Plato's ideas, favoring a clear separation between the state and private life — a concept absent in *Republic*. Hence, Plato is often seen as a forerunner to authoritarian regimes due to his vision of a society where private and public spheres are indistinct.

For example, this perspective was made widely known through an influential book on Plato authored by Karl Popper in the early 1950s, called *The Open Society and Its Enemies*. Popper sought to understand the origins and those accountable for the rise of totalitarian regimes, as witnessed under Stalin in Russia and Hitler in Germany, and he firmly contends that Plato laid the groundwork for such authoritarian rules.¹¹

2.1.3.4 Advocates of Plato

Contrarily, on the other hand, Rousseau, in his work *Emile, or on Education*, lauds the *Republic* as a masterclass on education, emphasizing Plato's vision of preparing citizens for significant public leadership roles, and he exhorts, "...to get a good idea of public education read Plato's *Republic*. It is not a political treatise, as those who merely judge books by their title think, but it is the finest, most beautiful work on education ever written."¹² From this viewpoint, it's

¹¹ Karl R. Popper, *The Open Society and Its Enemies: Volume 1 The Spell of Plato* (New Jersey: Princeton University Press, 1966), 86-95; Mark Lilla, *The Reckless Mind: Intellectuals in Politics* (New York: New York Review Books, 2001), 193-216.

¹² Jean-Jacques Rousseau, *Emile: Or on Education*, trans. Allan Bloom (New York: Basic Books, 1979), 40.

clear that the regime highlighted in the *Republic* doesn't align with contemporary modern regimes focused on enhancing individual freedoms. Instead, it prioritizes the educational development of its people as its utmost responsibility. Essentially, *Republic*, akin to the Greek city-state, functioned as a guiding institution. Its primary mission was to train its citizens for roles of leadership and significant political duties.

Reflecting on Rousseau's analysis of *Republic*, it becomes apparent that Plato's analogy between the city and the soul signifies a reciprocal relationship where individuals influence their societies, and in return, these societies mold the character of the individuals. This city-soul comparison offers profound insights into the cyclical nature of societal development and the reciprocal influence between citizens and their surroundings. Over time, each political system shapes unique individuals who reflect its dominant values. Plato posits in *Republic* that a perfect city should strive to nurture the finest and most distinguished citizens. Importantly, this perspective sheds light on the constitution of an ideal society and the characteristics of its model citizens.

A comparison of Plato's views on democracy with those of modern democracies uncovers distinct differences. While *Republic* may appear fundamentally anti-democratic, it offers valuable insights into challenges confronting today's democratic societies, particularly the danger of rugged individualism and the need to nurture collaboration. Thinkers like Emerson, Tocqueville, and John Stuart Mill have expressed concerns resonating with Plato's, pointing to potential weaknesses in democratic systems such as societal apathy and a trend towards conformity.¹³

¹³ Alexis de Tocqueville, *Democracy in America*, trans. Harvey C. Mansfield and Delba Winthrop (Chicago: University of Chicago Press, 2000), 472.

2.1.3.5 Personal Growth - Education

Another vital lesson from Plato's work is the centrality of personal soul reform in *Republic*. While Plato doesn't advocate for withdrawal from political engagements, he underlines the importance of personal growth as a foundation for societal transformation. For Plato, true reform starts at a personal level. Political transformation might be beyond our control, yet we always have the power to practice self-discipline. Anyone aspiring to bring about political change must first focus on their own personal growth.¹⁴

2.1.3.6 Rule of Law

Lastly, in his text *The Statesman*, Plato acknowledges that while an optimal method of governance exists, it remains elusive. Hence, he emphasizes the critical role of laws, particularly in scenarios where the ideal leaders, or philosopher-kings, are not present. This pioneering perspective in European political thought established the principle that states should aspire to create a harmonious environment, while also promoting the enforcement of the rule of law because no ruler can be relied upon with unrestricted authority.¹⁵

2.1.4 Aristotle (384–322 BCE)

2.1.4.1 Historical and Contextual Backdrop

Aristotle was born in 384 BCE, a decade and a half after Socrates faced his trial. He was a student at Plato's Academy and later founded his own educational institution, the Lyceum, which was seen as competition to Plato's Academy. Aristotle authored systematic and focused works on a comprehensive range of subjects, encompassing areas such as biology, ethics, metaphysics, literary critique, and political science. His work *Politics* was conceived during his

¹⁴ Plato, *Republic*, trans. Allan Bloom (New York: Basic Books, 1968), 591d.

¹⁵ Plato, *The Statesman*, ed. Julia Annas and Robin Waterfield, trans. Robin Waterfield (New York: Cambridge University Press, 1995), 58-59.

tenure at the Lyceum in Athens, where he examined the fabric of society with a diagnostic approach, suggesting cures for its deficiencies. Aristotle pioneered the introduction of systematic clarity to the language used in political discourse.¹⁶

2.1.4.2 More Empirical than Plato

Unlike Plato, Aristotle had a more empirical approach to political philosophy. While he found some of Plato's theories unrealistic, he shared Plato's admiration for balance, moderation, and the aspiration for a well-ordered society governed by the rule of law.

Aristotle famously posited that human beings are intrinsically political creatures. He famously defined a human as a "political animal", emphasizing their unique capacity for speech, moral reasoning, and judgment. He writes,

Man, when, perfected, is the best of animals, but when separated from law and justice he is the worst of all, since armed injustice is the most dangerous, and he is equipped at birth with the arms of intelligence and wit, moral qualities which he may use for the worst ends.¹⁷

Aristotle believes that humans are inherently political due to the essential role civic participation plays in attaining human excellence and well-being. Only through active involvement in a city's governance can its citizens achieve their full potential or perfection. According to him, an individual without a city is either a beast or a god, signifying they are either beneath or beyond human standards. He emphasizes that our political nature doesn't stem from innate instincts but from our unique abilities of speech and reason. These capabilities grant us a freedom and flexibility in our actions, distinguishing us from other species.

2.1.4.3 Virtuous Citizens - Education

Each regime is shaped by its citizens, or its material aspect, and by its formal governance

¹⁶ Steven B. Smith, *Political Philosophy* (New Haven: Yale University Press, 2012), 68.

¹⁷ Aristotle, *The Politics*, trans. Carnes Lord (Chicago: University of Chicago Press, 1984), 1253a.

structures. The citizenry forms the matter of a regime, while the regime's form encompasses its formalities, structures, and institutions. Modern political science, I contend, overly concentrates on the structures without sufficient regard for the citizen body and the moral character or virtues that define it. Aristotle, akin to Plato, emphasized the importance of cultivating high moral standards within the citizen body, believing that the ideal city is comprised of virtuous citizens and that their active civic engagement is critical for attaining human excellence.

Aristotle posited that a city's identity is determined by its regime, which is, in turn, shaped by its citizens. More than just occupying space, these citizens are bound together by shared affection, loyalty, and friendship. He emphasized that friendship is crucial for city stability, as it reduces conflicts. He writes, "Affection is the intentional choice of living together. Friendship is the greatest of good things for cities, for when people feel affection for each other they are less likely to fall into conflict."¹⁸

Nevertheless, the type of friendships that unify a city and constitute a regime, according to Aristotle, are not based on personal affections but rather on civic partnerships. This doesn't require sacrificing personal identity, as found in passionate love, but acknowledges competitive political relationships among civic partners vying for office and honor. Civic friendship, or civic *philia*, is crucial for an ideal regime, likening citizens to siblings who vie for their city's esteem as if it were a parental figure.

2.1.4.4 Dynamic Citizenship – Active Participation

Aristotle emphasized that the essence of civic unity isn't just about self-interest but resembles the loyalty and camaraderie seen in team dynamics. In other words, he understands

¹⁸ Aristotle, *The Politics*, trans. Carnes Lord (Chicago: University of Chicago Press, 1984), 1280a.

that the city's purpose isn't mere survival but achieving a fulfilling, friendly life. Therefore, he underscores that political partnership aims at noble deeds, not just coexistence, and that real citizenship, to Aristotle, is about active participation in governance and law-making, not just enjoying legal protection, and receiving social benefits. So, Aristotle points out that his definition of a citizen fits best within a democratic setting, where everyone is expected to both govern and be governed in turn.

2.1.4.5 Rule of Law

Although Aristotle acknowledges a hierarchical social structure, he insists that the primary purpose of public power should be to advance the good life. This could only be achieved through justice and the rule of law. He praises the rule of law over individual governance, as it ensures equality and curbs arbitrary rule, embodying reason without desire. He underscores that laws safeguard the equitable treatment of all citizens, shielding them from the whimsical dominance of individuals, select groups, or larger assemblies, and remarks,

One who asks the law to rule, is held to be asking God and intellect alone to rule while one who asks man, asks the beast. Desire is a thing of this sort, and passion perverts the rulers and the best men, hence law is intellect without appetite.¹⁹

He observes that even individuals of the highest virtue can be corrupted by zeal. Law serves as the most effective barrier against the influence of bias and passion. So, again, an individual's judgment, regardless of their wisdom, is more susceptible to bias, be it from emotions, personal interests, or the inherent imperfections of human reasoning, compared to the objectivity of the law.

These concepts were revolutionary against the backdrop of absolute rulers and tribal

¹⁹ Aristotle, *The Politics*, trans. Carnes Lord (Chicago: University of Chicago Press, 1984), 1287a.

customs of his time, paving the way for modern constitutional government by insisting on the subjection of rulers to law. It is remarkable that this distinction between lawful governance and despotism became a cornerstone of modern constitutional thought.

Finally, Aristotle recognizes the significance of property, private ownership, and commerce for a prosperous republic. Critiquing Plato's vision of communal ownership, he argues for the necessity of diversity and the virtues of private ownership, suggesting that common property is more prone to neglect than individual stewardship.²⁰ He sees private property and commerce as essential elements for a thriving city.

2.2 Decline of Ancient Civilization and Effectiveness of Religion in the State

With the rise of Christianity under Constantine in 312 BCE and its establishment as the sole official religion by Theodosius from 379 to 395, there was a significant shift in the political landscape. This change marked a noticeable decline in the West's ancient civilization. Despite advancements in technology such as the introduction of the horse collar, the stirrup, and the heavy plow, intellectual endeavors, including the study of political philosophy, regressed to a rudimentary level.

The customary interests and comforts of daily life lost their importance, and the Christian Church emerged as the sole spiritual authority capable of legitimizing governments. This mindset heavily influenced medieval thought, as the church became the main guardian of knowledge and remnants of ancient traditions during the West's decline.

Nonetheless, even as the ancient Western civilization deteriorated, the Greco-Roman dedication to a purposeful existence, the governance by law, and the ethical handling of power

²⁰ Aristotle, *The Politics*, 1269a.

were preserved in a Christian context, in a sense, through the contributions of the 13th-century scholastic philosopher Thomas Aquinas and the 14th-century Italian philosopher Dante.

2.3 Machiavelli (1469-1527)

2.3.1 *The Prince* - The Foundations for the Modern Secular Sovereign State

During the 15th century, the Italian philosopher Niccolò Machiavelli, an accomplished diplomat and administrator in the small republic city-state, Florence, played a significant role in secularizing politics. While many label his renowned work, *The Prince*, as deceitful, I believe Machiavelli presented a compelling argument. His concepts were truly groundbreaking, laying the foundation for the modern secular sovereign state.²¹

2.3.2 Machiavelli and Aristotelian Politics

Machiavelli's teachings centered on the practical truth rather than idealistic visions, dismissing both Plato's and Augustine's ideal cities.²² Contrary to Aristotelian politicians who prioritize stability, Machiavellian leaders embrace conflict, believing that only in extreme crises does human nature unveil itself. Machiavelli posits that genuine goodness emerges from prior adversities.

Unlike the Aristotelian leaders who championed harmony and stability, Machiavelli's ideal leader was drawn to conflict, believing that only in crisis do true human nature and governance shine. He believed that genuine good arises from adversity.

2.3.3 His Distinctive Approach

Machiavelli's distinctive approach views intense political situations like wars and coups

²¹ Miles J. Unger, *Machiavelli: A Biography* (New York: Simon and Schuster, 2011), 1-11.

²² Niccolò Machiavelli, *The Prince*, trans. Harvey C. Mansfield (Chicago: University of Chicago Press, 1985), chap. 15, p. 61; Maurizio Viroli, *From Politics to Reason of State: The Acquisition and Transformation of the Language of Politics* (Cambridge: Cambridge University Press, 1992), 154-155.

as typical and adjusts morality to fit these extremes. Yet, he acknowledges that in regular political times, traditional justice plays its part. However, he highlights, these regular times depend on periods of unrest and chaos, which bring forth individuals of remarkable qualities and unique leaderships.²³

Machiavelli admires moral purity but distinguishes it from political morality, suggesting that it's unrealistic to expect innocent governance. He asks, "Purity is an idea for the yogi or the monk...Do you think anyone can govern innocently?"²⁴

Regarding religion, he claimed that 1500 years of Christianity had sapped people's strength, making them politically passive. In his view, Christian teachings on humility and self-denial hinder the growth of defensive political virtues and make individuals less equipped to safeguard their freedoms.

Machiavelli often emphasized that a resilient republic depends on its self-reliance and its "own arms."²⁵ To Machiavelli, a ruler should employ religion to motivate their people to be self-reliant rather than overly dependent on divine intervention. He modified biblical tales, like giving David a knife against Goliath, suggesting trust in divine protection but also being practically prepared. Its moral seems to be "trust in God's promises, yes, but bring a knife just in case."²⁶

²³ Niccolò Machiavelli, *The Discourses of Niccolò Machiavelli*, trans. Leslie J. Walker, (London: Routledge and Kegan Paul, 1975), I.6, p. 225; Leo Strauss, *Thoughts on Machiavelli* (Seattle: University of Washington Press, 1958), 9.

²⁴ Jean- Paul Sartre, *Dirty Hands*, in *No Exit and Three Other Plays* (New York: Vintage International, 1989), 218.

²⁵ Niccolò Machiavelli, *The Prince*, trans. Harvey C. Mansfield (Chicago: University of Chicago Press, 1985), chap. 6, pp. 21-25.

²⁶ Steven B. Smith, *Political Philosophy* (New Haven: Yale University Press, 2012), 108.

Unlike anyone before him, and possibly anyone after him, Machiavelli aimed to free politics from religious oversight. While he saw a role for religion in governance, he advocated for leaders to be adept at leveraging religion without being controlled by it, ensuring a secular approach to politics.²⁷

2.3.4 Is He a Secret Champion of Freedom?

Remarkably, Machiavelli's "prince" is seen by some as a pro-democracy advocate in disguise, warning citizens of potential tyrants. For instance, influential seventeenth-century political philosopher Spinoza viewed Machiavelli as a proponent of liberty, seeing *The Prince* as cautionary. In his book, *The Political Treatise*, Spinoza wrote: "[Machiavelli] wished to show how careful a free people should be before entrusting its welfare to a single prince...I am led to this opinion concerning that most far-seeing man because it is known that he was favorable to liberty."²⁸ Similarly, Rousseau saw Machiavelli as a secret champion of freedom, forced to veil his true intentions due to his ties with the Medici family. In, *The Social Contract*, he writes, "Machiavelli was an honest man and a good citizen who, being attached to the House of Medici, was forced, during the oppression of his homeland, to disguise his love of freedom."²⁹ So, very clearly, both of these very serious readers of Machiavelli, Spinoza and Rousseau, saw Machiavelli as a freedom advocate, with divergent interpretations of his work, and they both felt he discreetly supported the masses over the elite.

In challenging classical political notions, Machiavelli's vision differed from Plato's and

²⁷ Niccolò Machiavelli, *The Prince*, trans. Harvey C. Mansfield (Chicago: University of Chicago Press, 1985), chap. 18 pp. 70-71.

²⁸ Baruch Spinoza, *The Political Treatise*, in *The Political Works*, edited and trans. A. G. Wernham (Oxford: Clarendon Press, 1958), 313.

²⁹ Jean-Jacques Rousseau, *On the Social Contract*, in *The Social Contract and Other Later Political Writings*, trans. Victor Gourevitch (Cambridge: Cambridge University Press, 1997), 95.

Aristotle's ancient republics, dominated by the elite. Instead, Machiavelli aspired to elevate *the people* to a dominant role, hinting at early democratic ideals. Basically, Machiavelli aims to shift power somewhat from the aristocracy to the common people. In my view, this concept was a cornerstone and a fundamental element in shaping Western political thought regarding contemporary democracy.

Lastly, Machiavelli's groundbreaking approach, willingness to question established norms, and view of authority as self-established rather than divinely or naturally given, mark him as a key figure in modern political thought.

2.4 Thomas Hobbes (1588 - 1679)

2.4.1 Historical and Contextual Backdrop

Born in 1588, Hobbes was just a youth during the initial performances of Shakespeare's greatest works, and throughout his life, he had the opportunity to meet both Galileo and René Descartes. He was deeply affected, however, by the Thirty Years' War, leading him to contemplate the roots of conflict and political chaos. In 1642, he released his preliminary work, *De Cive (On the Citizen)*, which led to his more recognized *Leviathan* in 1651. He passed away in 1679 at 91 years old. In essence, Hobbes expanded on the ideas introduced by Machiavelli.³⁰

2.4.2 *Leviathan* - Representative Governance

Hobbes positioned himself in stark contrast to Aristotle and the classical republicans. While they believed in the value of direct political engagement for personal fulfillment, Hobbes identified this desire for self-governance as a primary cause of civil war. He proposed a model of "indirect" or "representative" governance instead.³¹ For Hobbes, the true sovereign isn't a direct

³⁰ Steven B. Smith, *Political Philosophy* (New Haven: Yale University Press, 2012), 142.

³¹ Thomas Hobbes, *Leviathan*, ed. Edwin Curley (Indianapolis: Hackett, 1994), chap. 16, p. 13.

ruler of the people, but an embodiment of their collective will in the form of a representative. This sovereign, termed "the Leviathan," stands as an institution or office rather than a specific individual. Hobbes urges people to forgo direct political involvement, entrusting this artificial entity, the "sovereign" or "Leviathan," which functions more as an official role than an actual person.³²

2.4.3 The Notion of the Sovereign

Hobbes' primary concern was authority – its foundation and its legitimacy. He illustrated this through the metaphor of the state of nature, a scenario of anarchy and war without any recognized authority or rules. To transition from this chaotic state to civil society, Hobbes proposed the creation of the sovereign. The sovereign acts as the people's representative, its existence stemming from a mutual agreement. It doesn't possess inherent divine or moral authority but gains its power from the people's consent, maintaining allegiance as long as it ensures peace. Hobbes merged the concepts of natural law and contract to provide a foundation for authority.

Hobbes' notion of sovereignty combines elements of both “secular absolutism and modern liberalism.”³³ The sovereign is the ultimate and only lawmaker with no external checks, and its command is indisputable. In fact, the sovereign is incapable of injustice, because it is the only originator of both law and the principles of justice without any divine and transcendent source of authority. While upholding the supreme power of the sovereign, Hobbes also advocated for individual liberty, imposing restrictions on the sovereign's scope of power and emphasizing justice's equitable application by the rule of law. Hobbes visualized the sovereign's

³² Hobbes, *Leviathan*, chap. 16, p. 13.

³³ Steven B. Smith, *Political Philosophy* (New Haven: Yale University Press, 2012), 156.

role as protecting individual rights but in a way that aligns with others' rights, preventing a war of all against all. He, admirably, prioritized rights over duties, potentially marking him as a pioneer to modern liberalism.³⁴

2.4.4 Liberty

Hobbes delineated two types of liberty in his writings: the collective liberty of ancient civilizations and the individualized liberty of modern times. In addition, his definition of liberty resonates closely with our modern understanding of the concept. For Hobbes, individual liberty is about the absence of barriers to action, and political liberty involves the right to act where the law doesn't dictate. He envisioned a system where citizens have personal freedoms within the confines of the law.³⁵

Despite providing the foundational language of the modern state, opinions about Hobbes remain polarized. Some view his Leviathan state as the epitome of anti-liberalism, while others see him as paving the way for Locke and liberal governance theories. Hobbes emphasized rights over responsibilities and believed that the sovereign's primary role was ensuring peace and security, granting individuals the autonomy to lead their own lives as they saw fit.

2.5 John Locke (1632 – 1704)

Locke is considered a seminal thinker of the Enlightenment and is often referred to as the "father of liberalism" due to his significant impact on political philosophy.³⁶ His most important contribution to political theory is *The Two Treatises of Civil Government*.

The primary objective of Locke's First Treatise was to dismantle the then-seriously

³⁴ Pierre Manent, *The Intellectual History of Liberalism*, trans. Rebecca Balinski (Princeton: Princeton University Press, 1994), 25.

³⁵ Thomas Hobbes, *Leviathan*, ed. Edwin Curley (Indianapolis: Hackett, 1994); chap. 21, p. 6-8.

³⁶ Urmila Sharma and S. K. Sharma, *Western Political Thought* (Washington: Atlantic, 2006), 440.

regarded royalist notion that kings derive their right to rule directly from God, as descendants of Adam.³⁷ This concept was intertwined with the belief in a divine cosmic order, any disruption of which could lead to chaos. Locke, however, offered a counter-perspective, emphasizing a restrained role of political power.

2.5.1 The Second Treatise

In advocating for the inherent freedom and equality of all individuals and their rights to life, liberty, and property (which he termed "estate"), Locke's Second Treatise presents his positive theory of governance.³⁸ This includes constitutional government, the supremacy of law, and the preeminence of a parliamentary system. He champions the idea that true and legitimate governance is based on the consent of the governed, with limitations that include a system of checks and balances. Locke further contends that people are justified in revolting against governments that infringe upon natural rights. Additionally, Locke is recognized for his staunch support of religious tolerance, proposing that freedom of conscience is an inalienable right akin to property. Consequently, his name is permanently associated with contemporary concepts of what we often refer to as liberal or constitutional democracy.³⁹

Thomas Hobbes transformed Machiavelli's idea of *The Prince* into a doctrine of sovereignty that underpins our notion of impersonal or representative government. Hobbes reimagined princely power as a sovereign office, endowed with absolute authority necessary for upholding the rule of law, justice, and political stability. On the other hand, Locke offered an alternate vision, advocating for a liberal constitutional theory of the state, seeking to temper

³⁷ Steven B. Smith, *Political Philosophy* (New Haven: Yale University Press, 2012), 166.

³⁸ John Locke, *Second Treatise of Government*, in *Two Treatises of Government*, ed. Peter Laslett (Cambridge: Cambridge University Press, 1991), IX:124.

³⁹ Ruth W. Grant, *John Locke's Liberalism* (Chicago: University of Chicago Press, 1987), 62.

Hobbes's austere model of absolute governance.

According to Locke, humans originally existed in a "state of nature" where everyone was free and equal since humans are born free.⁴⁰ While free, individuals in this state were governed by natural laws that prohibited harm to one another's life, health, liberty, and possessions. The state of nature, however, was inherently unstable and could devolve into a "state of war."⁴¹ To avoid such conflicts and to safeguard themselves, people collectively agreed to form a government, yielding some of their freedoms to establish a ruling authority that would resolve disputes and maintain order. Thus, Locke rationalizes government as a mechanism primarily established to resolve property disputes, echoing principles that resonate with contemporary libertarian thought emphasizes property rights protection. It should be noted here that before Locke, no one had stated so boldly and directly that the main objective of politics was to safeguard the rights to property.⁴²

For Locke, "property" extends beyond physical possessions to include one's personhood and labor. He underscores that safeguarding personal property is vital for justice and liberty, with the implication that without property rights, there can be no justice.⁴³

2.5.2 Doctrine of Consent

As previously noted, Locke asserts that the foundation of a legitimate government's authority is a contract between the rulers and the people. This contract is based on the mutual consent of the governed, binding both sides. Consequently, governmental power is inherently

⁴⁰ John Locke, *Second Treatise of Government*, in *Two Treatises of Government*, ed. Peter Laslett (Cambridge: Cambridge University Press, 1991), II:7.

⁴¹ Locke, *Second Treatise of Government*, II:11.

⁴² Leo Strauss, *Natural Right and History* (Chicago: University of Chicago Press, 1953), 248.

⁴³ John Locke, *An Essay Concerning Human Understanding*, ed. Peter H. Nidditch (Oxford: Clarendon Press, 1975), IV: iii.19.

limited, operating under the rule of law and aimed solely at ensuring the populace's peace, safety, and welfare.⁴⁴ Locke further contends that when a sufficient number of individuals have consented to form a unified community, "they are thereby presently incorporated and make one body politic, wherein the majority have a right to act and conclude for the rest."⁴⁵ This assertion, found in section 95 of chapter 8, may be one of the earliest and strongest arguments for democracy. Reflecting on Locke's theories, the political scientist Willmoore Kendall posited that Locke's philosophies underpin the principles of the majority-rule democracy.⁴⁶

2.5.3 Limited Government

However, this raises questions: Can majority consent lead to a potential majority tyranny? The Doctrine of Consent, according to Locke, does not provide unchecked power. It is not an endorsement of absolute rule but an agreement to a government restrained by law and morality. His theory emphasizes the importance of rule by law and constitutional limits, what we might refer to in modern terms as limited government.

Locke does not prescribe a specific form of government but insists on the necessity of a limited government characterized by a balance of powers. A balanced separation of powers, what he calls the "subordination of powers,"⁴⁷ between executive, legislative, and judicial branches was crucial, with an emphasis on the legislative or parliamentary supremacy.

2.5.4 Federative Power - Prerogative Power

Furthermore, Locke recognized the necessity for a distinctive branch to handle war and

⁴⁴ John Locke, *Second Treatise of Government*, in *Two Treatises of Government*, ed. Peter Laslett (Cambridge: Cambridge University Press, 1991), XIV:160.

⁴⁵ Locke, *Second Treatise of Government*, VIII:95.

⁴⁶ Willmoore Kendall, *John Locke and the Doctrine of Majority-Rule* (Urbana: The University of Illinois Press, 1965), 31.

⁴⁷ Steven B. Smith, *Political Philosophy* (New Haven: Yale University Press, 2012), 179.

peace, which he termed the "federative power."⁴⁸ While this power mainly lies with the executive, it should act in the public's best interest, even beyond the law's strict boundaries, especially during emergencies such as national crisis.

The balance between constitutional governance and legislative supremacy on one hand, and the need for prerogative powers on the other, especially during emergencies, remains a contentious subject. "Eminent domain," referring to the government's authority to acquire or seize private properties for broader public welfare, has consistently ignited significant discussions and debates.⁴⁹ Locke tries to reconcile his profound respect for the rule of law with the understanding of a prerogative that might occasionally need to bypass legal norms. While Locke recognizes the necessity of this prerogative power in specific emergency situations, he is equally cognizant of its potential for abuse. Ultimately, he entrusts judgment to the people, affirming their right to revolution in extreme scenarios where the government neglects the public good.⁵⁰

In summary, Locke's philosophy provides a blueprint for the modern constitutional state and is echoed profoundly in the foundational principles of the American Republic, with his notions of natural law, consent-based governance, and the right to revolution forming the bedrock of America's founding documents.

2.6 Jean-Jacques Rousseau (1712 – 1778)

2.6.1 Historical and Contextual Backdrop

Jean-Jacques Rousseau emerged from the pre-revolutionary era in France, not from a

⁴⁸ Locke, John, *Second Treatise of Government*, in *Two Treatises of Government*, ed. Peter Laslett (Cambridge: Cambridge University Press, 1991), XIV:160.

⁴⁹ Locke, *Second Treatise of Government*, XIV:159.

⁵⁰ Locke, *Second Treatise of Government*, XIV:168; Locke, *Second Treatise of Government*, 240.

liberal society. Born in 1712, just two years after the death of Louis XIV, an emblem of absolute monarchy, he passed away in 1778, around ten years prior to the French Revolution. His entire life was framed by the final period of absolutism in France and across Europe. In 1755, Rousseau's "The Discourse on Inequality," also known as "the Second Discourse," was released, followed in 1762 by "The Social Contract."⁵¹

2.6.2 Freedom Linked with Perfectibility

In the Second Discourse, Rousseau discusses two distinct human attributes that differentiate us from other species. One is the concept of freedom, which he refers to as free agency. He says, "that Nature alone does everything in the operation of the beast, whereas man contributes to his operations in his capacity as a free agent."⁵² Rousseau contends that unlike animals, whose actions are solely governed by nature, humans participate in their actions through their capacity of freedom. Rousseau shares with Hobbes and Locke the view that freedom is the liberty of action without external impediment, but he extends the concept by linking freedom with perfectibility. When he mentions that we are defined by freedom and links freedom with perfectibility, he doesn't imply that "perfectibility" is what makes us perfect. He sees perfectibility as a boundless capacity for change, explaining that human nature is adaptable, able to evolve with changing circumstances, which he sees as a key aspect of our mutability over time.⁵³ Rousseau's distinctive interpretation of freedom is instructive for our contemporary understanding of liberty and, more importantly, is noteworthy with respect to the main subject of

⁵¹ Maurice Cranston, *Jean-Jacques: The Early Life and Work of Jean- Jacques Rousseau, 1712– 1754* (Chicago: University of Chicago Press, 1991), 14; Maurice Cranston, *The Noble Savage: Jean- Jacques Rousseau, 1754– 1762* (Chicago: University of Chicago Press, 1991), 293; Cranston, *The Noble Savage*, 303.

⁵² Jean-Jacques Rousseau, *The Discourses and Other Early Political Writings*, trans. Victor Gourevitch (Cambridge: Cambridge University Press, 1997), 140.

⁵³ Rousseau, *The Discourses and Other Early Political Writings*, 141.

this study: open political discourse theory.

2.6.3 General Will - Collective Social Consciousness - Direct Democracy

Rousseau's perspective on civilization and its drawbacks differs significantly from that of earlier political philosophers. Rousseau criticizes civilization's development, asserting that the establishment of governments did not bring peace as Hobbes and Locke suggested, but rather legitimized growing inequalities. Rousseau views the social contract as a deceit used by the wealthy to dominate the underprivileged. His concept of the "general will" serves as his proposed solution to the challenges of inequality and widespread dissatisfaction.⁵⁴

Rousseau perceives the social contract in the general will as the foundation of legitimate authority, asserting that true justice originates from the will, which should be free from all external influences, including nature, tradition, and revelation. This perspective aligns with the beliefs of Hobbes and Locke regarding the role of society in safeguarding individual rights such as life, liberty, and estate. However, Rousseau introduces the notion that in adhering to the social contract, individuals "remain as free as they were before," a paradox he seeks to resolve.⁵⁵

Yet, how can this be? Does not the core principle of the social contract involve surrendering a portion of our inherent liberty to ensure collective peace and safety? How can we maintain the same level of freedom we once had?

Initially, to ensure equality within the social contract, Rousseau argues that individuals must commit completely to the agreement, an approach he calls the "total alienation clause."⁵⁶

⁵⁴ Jean-Jacques Rousseau, *The Social Contract and Other Later Political Writings*, trans. Victor Gourevitch (Cambridge: Cambridge University Press, 1997), II: 1.

⁵⁵ Steven B. Smith, *Political Philosophy* (New Haven: Yale University Press, 2012), 204.

⁵⁶ Jean-Jacques Rousseau, *The Social Contract and Other Later Political Writings*, trans. Victor Gourevitch (Cambridge: Cambridge University Press, 1997), I:6.

But secondly, this commitment should be to the community as a whole, which leads to the idea that the only legitimate sovereign is the general will of the people, not any particular ruler or governing body. So, according to Rousseau, the social contract establishes the concept of the general will, which he sees as the sole legitimate ruling authority. Unlike kings, parliaments, representative bodies, or presidents, it's the collective will of the community that holds true sovereignty—often referred to as the people's sovereignty or popular sovereignty. In essence, the sovereign isn't a separate entity birthed from the contract but is, in essence, the collective action of the people.⁵⁷

2.6.4 Moral Freedom

This notion of general will introduces a new form of freedom—moral freedom—which isn't about doing as one pleases but includes following self-imposed laws. Rousseau describes moral liberty as the genuine mastery of oneself, contrasting with the mere pursuit of desire, which he equates with slavery. Remarkably, he notes,

What man loses through the social contract is his natural liberty and unmitigated right to everything that tempts him and he can acquire. What he gains is civil liberty and proprietary ownership of all he possesses...To the preceding acquisitions, that is to say civil liberty, could be added the acquisition of moral liberty which alone makes man truly the master of himself. For it to be driven by appetite alone is slavery and obedience to the law one has prescribed for oneself is freedom.⁵⁸

Therefore, contrasting Hobbes and Locke, who see freedom as actions beyond the law's reach, Rousseau believes our freedom begins with the law. Furthermore, he asserts that we truly become free when we participate in creating the laws we follow, and the laws are legitimate only

⁵⁷ Jean-Jacques Rousseau, *The Social Contract and Other Later Political Writings*, trans. Victor Gourevitch (Cambridge: Cambridge University Press, 1997), II:3; Rousseau, *The Social Contract and Other Later Political Writings*, IV:2.

⁵⁸ Rousseau, *The Social Contract and Other Later Political Writings*, I:8.

if all citizens have a direct role in forming them. This perspective contrasts drastically with other political thinkers like Hobbes, Locke, and federalist authors. While Rousseau insists on every citizen's direct participation in law creation, others believe that representation through elected officials is more practical.⁵⁹

2.6.5 An Ideal Small-Scale Community

Despite his belief that direct participation is important, Rousseau is skeptical about a direct democracy's feasibility, particularly in large nation-states.⁶⁰ Such vast entities tend to harbor significant social inequalities, making the general will's realization difficult. Hence, Rousseau envisions an ideal society as a small-scale agrarian community. Although it might seem that only direct democracy aligns with Rousseau's principles, he doubts its practicality, especially where people handle both law creation and enforcement. Crucially, again, Rousseau believes legislative power should exclusively lie with the public. He dismisses representative governance, asserting that sovereignty can't be delegated or represented; it must be expressed directly by the people because handing over legislative authority sets the stage for potential tyranny.⁶¹

2.7 Alexis de Tocqueville (1805 – 1859)

2.7.1 Historical and Contextual Backdrop

Born in 1805 into aristocracy in Northern France,⁶² Tocqueville was around 25 years old when, he was tasked by the then-ruling government of Louis Philippe to assess the prison system in the United States. His year-long extensive research from May 1831 to February 1832

⁵⁹ Jean-Jacques Rousseau, *The Social Contract and Other Later Political Writings*, trans. Victor Gourevitch (Cambridge: Cambridge University Press, 1997), III:15.

⁶⁰ Rousseau, *The Social Contract and Other Later Political Writings*, II:10.

⁶¹ Rousseau, *The Social Contract and Other Later Political Writings*, III:15.

⁶² Hugh Brogan, *Alexis de Tocqueville: A life* (New Haven: Yale University Press, 2007), 21.

culminated in his influential work, "Democracy in America."⁶³ This comprehensive work, aimed at both his contemporaries and future leaders, centered on the changing dynamics of political leadership in light of the growth of democracy.⁶⁴

2.7.2 *Democracy in America*

In *Democracy in America*, Tocqueville grapples with two primary issues. Firstly, he examines the shift from an aristocratic society, characterized by privilege and inequality, to a democratic society founded on equality in America—probing into the dynamics of this significant social and political metamorphosis. Secondly, he delves into the differences between the temperaments of American democracy—relatively mild and liberal—and the French democracy of the revolutionary period, which verged on tyranny and despotism. From pondering these issues, Tocqueville penned his pivotal work, *Democracy in America*.

Tocqueville intentionally named his book "Democracy in America," not "American Democracy," highlighting that while democracy isn't exclusively American, his observations are specific to the unique democratic evolution within the United States.⁶⁵

The book begins with the following sentence: "Among the new objects that attracted my attention during my stay in the United States, none struck my eye more vividly than the equality of conditions."⁶⁶ So, he underscores his astonishment at the pervasive equality in the United States, a societal condition rather than a government structure, from which he believes democratic governments emerge.

⁶³ George Wilson Pierson, *Tocqueville in America* (New York: Oxford University Press, 1938), 27-28.

⁶⁴ Steven B. Smith, *Political Philosophy* (New Haven: Yale University Press, 2012), 216-217.

⁶⁵ Smith, *Political Philosophy*, 220.

⁶⁶ Alexis de Tocqueville, *Democracy in America*, trans. Harvey C. Mansfield and Delba Winthrop (Chicago: University of Chicago Press, 2000), I:3.

2.7.3 Three Unique Traits of American Democracy

Tocqueville suggests that democracy is an evolving process rather than a definite form. The term “democratization” refers to this continuous development.⁶⁷ Democracy is not a rigid system but a dynamic and adaptable one, with seemingly endless possibilities for change and adaptation. The esteemed civil rights leader and congressman, John Lewis, underscores this point by recalling a lesson imparted by Dr. King: “Democracy is not a state...It is an action. And each generation must do its part...”⁶⁸

So, what made American democracy distinct? Tocqueville identifies three unique traits of American democracy that contribute to its moderate and liberal nature: robust local governance, vibrant civil associations, and the spirit of religion.⁶⁹

2.7.4 Robust Local Governance

Tocqueville highlights the pivotal role of local governance and institutions in American democracy. He stresses the significance of local autonomy and township democracies, noting that despite an overarching national organizing structure “It is nonetheless in the township.”⁷⁰ That is, local community and self-understanding provides robust opportunities for strong governance. He expresses regret that Europe has lost this township spirit due to political centralization and advancing enlightenment, which have nearly eradicated local self-governance.

2.7.5 Vibrant Civil Associations

Tocqueville was also deeply impressed by the many “civil associations” in America. He writes that, “In democratic countries, the science of association is the mother science. The

⁶⁷ Steven B. Smith, *Political Philosophy* (New Haven: Yale University Press, 2012), 220.

⁶⁸ John Lewis, “Together, You Can Redeem the Soul of Our Nation,” *New York Times*, July 30, 2020.

⁶⁹ Steven B. Smith, *Political Philosophy* (New Haven: Yale University Press, 2012), 221.

⁷⁰ Tocqueville, Alexis de, *Democracy in America*, trans. Harvey C. Mansfield and Delba Winthrop (Chicago: University of Chicago Press, 2000), I:57-58.

progress of all the others depends on the progress of that one."⁷¹ He saw them as crucial in shaping citizens by fostering civic participation and resisting overarching governmental power by serving as buffers between individuals and the central government.

2.7.6 The Spirit of Religion

Thirdly, the spirit of religion profoundly impressed Tocqueville. "On my arrival in the United States," he says, "It was the religious aspect of the country that struck my eye first."⁷² Contrary to European trends where religion and democracy have long been in conflict, he observed a unique symbiosis in America between religion and democracy. This relationship supported not only political liberty but also religious freedom.

Furthermore, Tocqueville challenges the prevailing idea that modernization will inevitably result in the decline of religion. He perceives this potential decline as a significant mistake, cautioning that it might shift the intrinsic human need for belief towards more perilous ideologies. He declares, "Religion is more necessary in a republic and in a democratic country than in any other."⁷³ This counters tendencies towards materialism and self-interest, and supports moral action, which he doubts can be solely sustained by reason. Tocqueville firmly states that while individuals might derive moral guidance from reason, this isn't the case for entire societies. "Despotism can do without faith," he compellingly argues, "but freedom cannot."⁷⁴ He further cautions against fully secularizing societies and underscores the vital role religion plays in offering moral foundation. In his view, "disbelief is an accident. Faith alone is the enduring state

⁷¹ Alexis de Tocqueville, *Democracy in America*, trans. Harvey C. Mansfield and Delba Winthrop (Chicago: University of Chicago Press, 2000), II:492.

⁷² de Tocqueville, *Democracy in America*, I:282.

⁷³ de Tocqueville, *Democracy in America*, 282.

⁷⁴ de Tocqueville, *Democracy in America*, 282.

of humanity."⁷⁵

2.7.7 Another Solution for the Majority's Tyranny - Perfected Despotism

Furthermore, it's worth highlighting Tocqueville's apprehension regarding "the empire [tyranny] of the majority,"⁷⁶ which he detailed in the first volume of *Democracy in America*. Historically, democracy was perceived as a platform where the most substantial section of society might suppress the minority. In response to this issue, the Federalist authors⁷⁷ proposed what they termed a "republican government." This system sought to address the potential overpowering influence of the majority. They suggested expanding the scope of governance while broadening societal and political structures.⁷⁸ The aim wasn't to do away with factions but to increase their number. A higher number of factions lowers the risk of one achieving prolonged dominance. The preamble to the U.S. Constitution, "We the People," underscores the majority's importance, yet also aims to limit their overarching control. The Federalists believed that by segmenting power, establishing a representation system, and instating checks and balances, the majority's dominance could be effectively controlled.

However, Tocqueville wasn't entirely convinced that merely institutional measures would suffice to counteract "the empire of the majority." He believed that legal protections for minority rights might fall short when faced with potent public sentiment. Tocqueville notably questioned

⁷⁵ Alexis de Tocqueville, *Democracy in America*, trans. Harvey C. Mansfield and Delba Winthrop (Chicago: University of Chicago Press, 2000), I:284.

⁷⁶ de Tocqueville, *Democracy in America*, 235.

⁷⁷ The Federalist Papers are a series of 85 essays arguing in support of the United States Constitution. Alexander Hamilton, James Madison, and John Jay were the authors behind these essays, writing under the pseudonym "Publius" to promote the ratification of the Constitution. The essays were originally published in newspapers of the time starting in 1787 and later compiled into a book titled "The Federalist" in 1788. These essays remain a primary source for interpreting the U.S. Constitution and understanding the intentions of its framers.

⁷⁸ Steven B. Smith, *Political Philosophy* (New Haven: Yale University Press, 2012), 226.

even American democracy's capability to counter potential democratic oppression. The biennial election cycle in the House of Representatives ensured that legislative bodies remained attuned to public sentiment. However, Tocqueville argued that the real threat of majority tyranny wasn't so much about these systems. It was more about how majority dominance influenced ideas and public sentiment. From Tocqueville's perspective, threats to free thinking in democracies aren't direct impositions like inquisitions. Instead, they manifest as subtle societal pressures like the fear of exclusion or being sidelined by the majority. Tocqueville notes,

Chains and executioners are the coarse instruments that tyranny formerly employed; but in our day civilization has perfected even despotism itself which seemed, indeed, to have nothing more to learn...Under the absolute government of one alone, despotism struck the body crudely, so as to reach the soul; and the soul, escaping from those blows rose gloriously above it; but in democratic republics, tyranny does not proceed in this way; it leaves the body and goes straight for the soul.⁷⁹

In his view, modern-day despotism may no longer need physical chains but operates through subtler means that target souls and minds.

Consequently, in a democratic era, the primary political challenge is managing the people's sovereignty. For Rousseau, this hardly posed a serious concern. He claimed that the general will is infallible, that the people, when acting as a collective entity, cannot make mistakes. Tocqueville, however, was not as sure of this premise. He pondered who, or what, could possibly restrain the will of the people or the general will. The challenge of moderating democratic authority is the very problem Tocqueville sought to address. Therefore, the essential dilemma for ideal democracies becomes how to balance popular governance with political wisdom.

⁷⁹ Alexis de Tocqueville, *Democracy in America*, trans. Harvey C. Mansfield and Delba Winthrop (Chicago: University of Chicago Press, 2000), I:244.

2.8 Conclusion

The history of Western political thought from Plato to the present day makes plain that the discipline still faces the basic problems defined by the ancient Greek philosophers. The need to redeploy public power to maintain the survival and enhance the quality of human life, for example, has never been so essential. Further, if the opportunities for promoting well-being are now far greater, the penalties for the abuse of power are nothing less than the destruction or gross degradation of all life on the planet. On the other hand, contemporary political challenges, are distinctively modern and raise theoretical dilemmas that the philosophers of antiquity did not encounter. Thus, as I initially indicated, while early philosophers are considered the vanguard in political theory, their works should not be seen as offering direct solutions to today's specific issues. We ourselves must find the answers to our current problems. Instead, their significant early contributions offer us a wealth of foundational resources that political scientists continue to draw upon in their research.

Chapter 3

ISLAMIC POLITICAL THOUGHT

3.1 Introduction

The comprehension of Islamic political thought fundamentally hinges on the knowledge, accurate understanding, and extensive evaluation of the directives related to this subject in the Quran and the Sunnah. The rulings concerning governance and politics laid out in these essential sources are relatively limited, focusing more on overarching principles and guidelines rather than detailed regulations. Notably, the Quran and the Sunnah do not prescribe a specific form of governance or a model of the state. Therefore, the practices and implementations of the Prophet Muhammad and the Rightly Guided Caliphs have served as vital reference sources for the perspectives and works developed in subsequent periods regarding Islamic political thought.

In the realm of Islamic political theory, the principles set forth by the Quran and the Sunnah, and their most accurate realization in the practices of the Prophet and his Rightly Guided Caliphs, are acknowledged as the foundation of the ideal and perfect (*kâmil*) form of governance (the era of *Asr-ı Saadet*). However, this ideal form of *caliphate*, referred to as the “perfect caliphate,” ended with the establishment of the Umayyad state in 661 AH and covered only a brief period of about 30-40 years. As a result, this model of governance did not sufficiently become institutionalized, paving the way for considerable disputes.

With the advent of the *Umayyads*, that governance style, although still referred to as a “caliphate,” largely transitioned to a monarchical system. Therefore, many opinions expressed about the caliphate remained theoretical and failed to find institutional manifestation. No legal frameworks were established regarding numerous issues such as the method of the caliph's appointment, reasons for dismissal, responsibilities, governance style, limits of power,

consultative procedures, political participation, and the nature of opposition, leaving no exemplary implementations for future periods.

The political underdevelopment in the Islamic world naturally led to the rise of autocratic governance forms. Abdurrahman al-Kawakibi, in the introduction to his work *Tabâiu'l-İstibdâd* (The Nature of Despotism), identifies despotism as the primary cause of the Islamic world's backwardness and overall decline.¹ He further explores the detrimental impacts of despotism on various aspects, including individual personality, religion, science, education, ethics, honor and dignity, property rights, and development. Similarly, Bediüzzaman Said Nursi, in his work *Münazarat*, articulates the harms of despotism, describing it as oppressive, arbitrary, reliant on force, singular in opinion, conducive to abuses, foundational to injustice, and detrimental to humanity, leading to the degradation and humiliation of the Islamic world.²

Thus, in regimes dominated by despotism, there has been a complete departure from the principles of ideal governance, resulting in a vicious cycle of political regression, which, in turn, has exacerbated despotism and further distanced from the essence of Islam's ideal form of governance, posing an insurmountable barrier to political progress and renewal.

Over time, Islamic scholars have made significant jurisprudential contributions concerning various aspects like the qualities sought in rulers, methods of selection, ensuring justice, consultation, supremacy of law, and relationships between the ruler and the ruled in Islamic political practices. However, Islamic forms of governance have failed to institutionalize and develop sufficient political mechanisms to prevent abuses. There has been a lack of

¹ Muhammed Cemal Tahhân, introduction to *Tabâiu'l-isti'bâd ve Mesâriu'l-isti'bâd*, by Abdurrahman Kevâkibî, ed. Muhammed Cemal Tahhân (Aleppo: el-Matbabatu'l-asriyye, 2011), xii.

² Bediüzzaman Said Nursi, *Risale-i Nur Mebde'lerinden: Âsâr-ı Bediyye*, ed. Abdülkadir Badıllı (Istanbul: Elmas Neşriyat, 2004), 294.

institutional structures to limit the powers of rulers, oversee their legal compliance, and, if necessary, penalize or remove them from office. Although there are discussions on elections, allegiance, and the roles and responsibilities of those in power, specific systems and orders for their practical implementation have not been well-developed or lasting.

In addition, Muslim political thinkers have struggled to position themselves appropriately against modernity and the new worldview, failing to develop a reasonable and realistic relationship with the modern world. They have been unable to counter the challenges posed by modernity and adapt traditional Islamic institutions to the modern era. Consequently, convincing examples of how Islamic political thought can be applied within the highly centralized and institutionalized structures of modern statehood, with its constitutions, laws, parliaments, and institutions, have not been successfully demonstrated.

Therefore, this study strives to provide interpretations in line with the spirit of the Quran and Sunnah, while also ensuring that these interpretations are congruent with contemporary conditions. It aims to reassess traditional interpretations and jurisprudence from the perspective of today's realities, offering new explanations that resonate with the modern mindset. This study also seeks to determine to what extent Western political theories and practices can be beneficially incorporated. In essence, this effort is dedicated to presenting an intellectual accumulation that bridges tradition with modernity through new interpretations.

In this endeavor, we proceed by drawing upon the fundamental principles highlighted in the first part of our work called the Western Political Theory. Our aim was to identify similar principles and approaches within the practices of Islamic political thought. To articulate this more clearly, in other words, we focused on a few key themes in Western Political Philosophy, especially emphasizing the core ideas of philosophers concerning social contracts, the principle

of representative governance, and the notion of collective consciousness, which we believe extends beyond the social contract and has also captured our attention in Western political practices (we refer to this concept in Islamic thought as "shura"). Additionally, we analyzed topics such as the servant-state, human-centric state governance, rule of law, and civil disobedience from the perspective of Islamic political understanding. We aimed to propose a comprehensive and alternative pathway by analyzing these concepts within the framework of Islamic political thought.

3.2 Representative Government – Social Contract – Doctrine of Consent

3.2.1 Introduction

As previously stated, the proper method to understand Islamic governance, including the selection of a head of state and other administrative matters, is not through the study of Islamic states in history, but by comprehending the fundamental approaches of the Quran and the Sunnah on this subject, the political approaches demonstrated by Prophet Muhammad throughout his life, and the political practices of the Four Rightly Guided Caliphs. The thoughts and approaches put forth by Islamic scholars in later periods, based on these primary sources, also contributes significantly to the correct understanding of Islamic political thought. Therefore, in this chapter, we will put forward our own view on the manner of the process of accession to power in the Islamic tradition, in light of the Quran's general approach, the political stance of the Prophet, the practices during the period of the Four Caliphs, and the thoughts put forward by Islamic scholars in subsequent periods. We will also endeavor to demonstrate how this intrinsic approach in Islam closely parallels and aligns with the principle of democratic election in modern political understanding.

3.2.2 The Terms Caliphate and Caliph

In Islamic literature, the term “caliphate” refers to the state or the office of the head of state, and “caliph” denotes the head of a state. The term “caliphate” literally means succession, representing someone who takes the place of another and acts as their deputy or representative.³ Islamic state leaders are referred to as "caliphs" because they succeeded the Prophet in his religious and political authority, except for prophethood. As Al-Mawardi states, caliphate means succeeding prophethood in the protection of religion (*hirasetü 'd-din*) and the administration of worldly affairs (*siyasetü 'd-diünya*).⁴ Al-Juwayni defines caliphate as a general leadership and complete governance concerning both religious and worldly affairs, such as protecting the land, managing the people, preventing oppression and deviation, helping the oppressed against the oppressor, and ensuring that rights are delivered to those entitled.⁵

In essence, the concepts of caliph and caliphate are fundamentally related to state governance. However, since the community in question is a Muslim community required to live Islamically, the caliph's duty also includes considering the wishes and demands of the Muslim community in this direction. Therefore, in Islamic political understanding, the state administration is concerned not only with worldly benefits and interests but also with those of the hereafter. Indeed, considering not only worldly but also hereafter benefits and interests for people is primary to Islamic political thought, which I will examine in the final part of the study as an alternative political approach.

Furthermore, it is worth noting that some Muslim scholars wisely differentiate between

³ Muhammed b. Mükerrrem el-Ensari Ibn Manzur, *Lisânü 'l-Arab* (Beirut: Dâru's-Sâdr, 1414/1993), 9:83.

⁴ Ali bin Muhammad bin Habib al-Mawardi, *Ahkam al-Sultaniyya*, ed. Ahmed Jad (Cairo: Dar al-Hadith, 2006), 15.

⁵ Imam al-Haramayn al-Juwayni, *Giyâsü 'l-Ümem fî İltiyâsi 'z-Zulem*, ed. Mustafa Hilmi and Fuad Abdülmünim (Alexandria: Dâru'd-Da've, 1400/1979), 15.

the caliphate practiced during the era of the four caliphs, termed "complete or true caliphate," and that which followed, termed "deficient caliphate" due to the fractures in the political field and the deviation from the basic principles and essence of Islam after the four caliphs.⁶ Some others also described these two time periods such as *Hilafet-i Haqiqiye* (real caliphate) and *Hilafet-i Suriye* (formal caliphate).⁷

3.2.3 The Quran and the Sunnah

When examining the verses of the Quran and the Prophetic Traditions (*hadith*) related to this topic, there is no detailed theory of caliphate, nor a comprehensive theory of state administration put forward in these two fundamental sources. They only provide a set of basic principles and guidelines.

The word "caliphate" in the Quran generally refers to a human trait of being created by Allah and endowed with knowledge, reasoning, and authority over creation.⁸ In some verses, the term is used to point out that certain tribes and nations have been made successors and given authority over others.⁹ Only in the verse, "O David! We did indeed make you a vicegerent on earth: so judge you between men in truth (and justice),"¹⁰ the word "caliphate" is used in the context of governance.¹¹

In the Prophetic Traditions, along with the terms *imam* and *emir*, the words "caliph" and

⁶ Abdürrazık Ahmed Senhurî, *Fıkhu'l-Hilâfe ve Tetevvuruha li Tusbiha Usbete Ümemin Şarkıyye*, ed. Muhammed eş-Şâvî and Nadiye Abdürrazık es-Senhûrî (Beirut: Mu'assasat al-Risale, 2008), 225.

⁷ Abdülmecit Karaarslan, "İslâm Hukukunda Devlet Başkanlığıyla İlgili Kavramların İhtilafı ve Dört Halifeden Sonra Hilafetin Geleceği," *İslâm Hukuku Araştırmaları Dergisi* [Journal of Islamic Law Studies], no. 28, (2016): 61.

⁸ The Quran 2:30, 6:165; 35:39.

⁹ The Quran 7:69; 10:14.

¹⁰ The Quran 38:26. All quotations from the Quran in this work are from this translation. See Yusuf Ali, *The Holy Quran: Translation and Commentary* (Birmingham, United Kingdom: Islamic Vision, 2001).

¹¹ Abdülkadir Udeh, *El-İslâm ve Evdâuna's-Siyâsiyye* (Cairo: Müessesetü'l-Hindâvî, 2012), 15-26.

“caliphate” are used. However, rather than delving into details, the focus is on general issues such as the qualities, duties, and responsibilities of a caliph, the conditions of obedience to him, the requirement for rulers to be just and avoid oppression.¹²

The absence of a specific theory of caliphate in the Quran and the Sunnah makes the post-Prophetic practices even more significant. Immediately following the death of the Prophet, before even his burial was completed, the leading companions focused first on the selection of a new caliph to prevent any disorder or sedition. The lengthy discussions and deliberations among the companions gathered under the shade of Banu Sa'ida for the election of a new caliph indicate that the Prophet did not make any recommendations or appointments in this matter. No companion even claimed such. Aisha, the third wife of the Prophet who had a role of some political importance after his death, stated, "The Messenger of Allah did not appoint anyone as his successor before his death. If he had appointed anyone, it would undoubtedly have been Abu Bakr or Umar."¹³ Just as there was no appointment by the Prophet, there is no prescribed method indicated by the Prophet for the accession to caliphate.¹⁴ Indeed, the Prophet's passing without appointing a successor and not proposing a specific method, indicates his awareness of the pitfalls of appointing the successor and his desire not to transform the caliphate into a hereditary monarchy.¹⁵ By this practice, the Prophet absolutely left the right and responsibility of choosing the ruler of the people to the people.

¹² İbrahim Canan, *Hadis Ansiklopedisi-Kütüb-i Sitte* (Istanbul: Akçağ Yayınları, 2014), 5:373-424.

¹³ Ahmed b. Hanbal, *Musnad*, ed. Şuayb Arnavut (Beirut: Mu'assasat al-Risale, 2001), 40:404.

¹⁴ Abdullah Ünal, *Ehl-i Sünnet ve Şia'nın İmamet'te Dayandığı Hadisler* (Sanliurfa, Turkey: Harran University, 1998), 16.

¹⁵ Seyfeddin el-Amidi, *Gâyetü'l-Merâm fî İlmi'l-Kelâm*, ed. Hasan Mahmud Abdüllati (Cairo: El-Meclisu'l-A'lâ li Ş-Şuûni'l-İslâmiyye, 1971), 380.

3.2.4 After the Prophet - the Rightly Guided Caliphs

When examining the selection methods of the state leaders, or caliphs, during the period immediately following the Prophet, known as the era of the four rightly guided caliphs, we observe a process that aligns with these core Islamic principles. During this era, the four Rashidun Caliphs ascended to the position of state leadership (Imamate/Caliphate) through a form of election, implied in the approval pact (*bay'ah*).¹⁶ They got the approval of almost the whole Muslim community.¹⁷ Bay'ah, in contemporary terms, means "declaring the endorsement by the community of the political, economic, and social program of a selected individual and their team."¹⁸ In this pact, just like in a social contract, the community members appoint the state leader as their representative and guardian, thereby granting him authority to represent them in matters of state governance.

Sunni scholars agree that with consensus (*Ijma*), the caliphates of the four caliphs were legitimate. Other Islamic sects, excluding Shia, such as Mutazilites, Kharijites, and Murjites, also accepted this legitimacy. Only the selection of Caliph Ali was exceptional for the following reasons: it took place during a period of *fitnah* (civil strife) and under extraordinary circumstances, not all prominent companions were present in the city of Medina, not all community members were present at his selection, and his bay'ah was limited to those in Medina. Some companions cited this as a reason to oppose his caliphate. Aside from the historical details of the incident, most importantly, this episode highlights the entrenched nature

¹⁶ I am not using the term *bay'ah* as the meaning of the pledge of allegiance here. It means declaring the endorsement by the community. *Bay'ah* has two meanings... This bay'ah should be based entirely on free will and consent, with coerced allegiance considered invalid.

¹⁷ Mehmet Azimli, *Halifelik Tarihine Giriş* (Konya, Turkey: Öykü Yayınları, 2005), 67-117.

¹⁸ Ali Bulaç, "Siyaset ve siyasi kültürümüz üzerine," *Ali Bulaç*, accessed July 29, 2020, <https://alibulac.net/2020/07/29/siyaset-ve-siyasi-kulturumuz-uzerine/>.

of the concept of selection by consent and bay'ah among the companions, demonstrating the importance and acceptance of the community's consent as the sole legitimate path to the caliphate.¹⁹ This incident also supports this notion: Following the martyrdom of Caliph Uthman, some companions went to the house of Ali to pledge their allegiance. They were insistent that he accept their pledge. However, Ali refused, stating that a pledge (election) made in secret was not appropriate. He then emphasized that the pledge (election) should occur only in a public place like a mosque and with the consent of the Muslim community.²⁰

As for the opinions of the Islamic political thinkers on the subject, who have written seminal works on Islamic political thought based on the Quran, the Sunnah, the Prophet's approach, and the practices of the Four Caliphs. Scholars such as Al-Mawardi, Abu Ya'la, Al-Juwayni, Al-Ghazali, Ibn Taymiyyah, and Ibn Khaldun, who have made significant contributions to Islamic political thought, have underscored that the fundamental aspect of a leader's ascension to power is the community's consent and approval. This approval can be direct, through the community's bay'ah to their chosen leader, or indirect, through a delegation of representatives (*Ahl al-Hall wa al-Aqd/Ehl al-Ihtiyar/Ehl al-Ijtihad*) who select an individual, following certain procedures. Particularly in past eras, delegating this responsibility to a committee was seen as more practical and better suited to ensure a qualified appointment to such a significant position. This method of selection by *Ahl al-Hall wa al-Aqd* also significantly demonstrates how this early Islamic model of selection is parallel to the concept of representative government in modern political systems.

¹⁹ Abu al-Hasan Ali bin Muhammad (Ibn al-Athir), *Al-Kamil fi't-Tarikh* (Beirut: Dar al-Kutub al-Arabiyye, 1997), 2:554.

²⁰ Ali bin Muhammad (Ibn al-Athir), *Al-Kamil fi't-Tarikh*, 2:554.

3.2.5 *Bay'ah – Social Contract - Ahl al-Hall wa Al-Aqd*

The emphasis on the role of Ahl al-Hall wa al-Aqd and the minimum qualifications for its members in Islamic political thought is another crucial aspect, aimed at ensuring the appropriate selection of a state leader. Islamic political theorists believed that recognizing the most qualified candidates requires a certain level of knowledge and expertise, leading them to prefer delegating this responsibility to a specialized committee. This approach regarding the election of the most qualified president possible, as we will discuss further in the latter part of our study, represents an advanced aspect of Islamic political thought. It emphasizes not only the quantity of votes but also the quality of the selection process.

For instance, according to Al-Mawardi, members of Ahl al-Hall wa al-Aqd should possess three qualities: justice (uprightness, trustworthiness, piety, and good character), knowledge, and wisdom (foresight).²¹ Additionally, as Al-Juwayni emphasizes, the consequences of an incorrect selection fall upon the entire community. If an incapable person ascends to power, the harm affects everyone, he argues.²²

It's important to note that even if a state leader is selected by Ahl al-Hall wa al-Aqd, his appointment requires the community's bay'ah, community's approval. Additionally, it's always possible for these representatives to be chosen by the community. There is no obstacle to the direct election of the head of state by the people because the main decision-maker in determining the ruler is always the public according to the Islamic principles. If the state leader is directly elected by the people, the election and bay'ah converge in meaning; however, if the leader is

²¹ Ali bin Muhammad bin Habib al-Mawardi, *Ahkam al-Sultaniyya*, ed. Ahmed Jad (Cairo: Dar al-Hadith, 2006), 17-18.

²² Imam al-Haramayn al-Juwayni, *Giyâsü'l-Ümem fî Ittiyâsi'z-Zulem*, ed. Mustafa Hilmi and Fuad Abdülmünim (Alexandria: Dâru'd-Da've, 1400/1979), 50.

chosen by Ahl al-Hall wa al-Aqd and then receives the community's bay'ah, the bay'ah signifies more of a pledge of loyalty, consent, and approval.

Bay'ah consists of two stages: the first, "*Bay'at al-Khassa* (private allegiance)," performed by Ahl al-Hall wa al-Aqd, and the second, "*Bay'at al-Amma* (public allegiance)," by the community. Thus, Bay'at al-Khassa is akin to an election, while Bay'at al-Amma signifies recognition, consent, and a pledge of obedience. Bay'ah is not one-sided; as a contract, the community's pledge of obedience and support obliges the state leader to uphold justice, public interest, and fulfill his duties responsibly. In this regard, bay'ah forms a practical manifestation of the "social contract" concept found in Western political thought.²³

As previously mentioned, the caliphate, derived from the notion of succession and representation, essentially constitutes a form of proxy similar to a mutual power of attorney agreement.²⁴ The Caliph acts as the representative of all community members, who, through their selection and bay'ah, appoint him as their guardian and agent for public affairs and governance. This contract also encompasses an aspect of guardianship (*wilayah*). Islamic scholars have emphasized that the Caliphate represents "general guardianship" over Muslims, granting the Caliph authority over public affairs.²⁵ Thus, through the bay'ah contract, akin to the social contract in Western political theory, the community delegates authority to the state leader, who, in turn, is obliged to fulfill his responsibilities effectively and justly.

Considering these principles, it is evident that the Islamic principle of bay'ah aligns closely with the concept of "social contract" widely recognized in Western philosophy. Islamic

²³ Ali Bulaç, "Siyaset ve siyasi kültürümüz üzerine," *Ali Bulaç*, accessed, July 29, 2020, <https://alibulac.net/2020/07/29/siyaset-ve-siyasi-kulturumuz-uzerine/>.

²⁴ Muhammed b. Mükerrrem el-Ensârî Ibn Manzur, *Lisânü'l-Arab* (Beirut: Dâru's-Sâdr, 1414/1993), 9:83.

²⁵ Mehmed Seyyid, *Usûl-i Fıkıh-Medhal*, ed. Selçuk Camcı (Izmir, Turkey: Işık Akademi Yayınları, 2011), 99-109.

scholars have stated that not only should a state leader be elected to office but also receive a subsequent "bay'ah" (pledge of loyalty/consensus) from the people. This bay'ah should be based entirely on free will and consent, with coerced allegiance considered invalid.²⁶

For instance, regarding the selection of Caliph Abu Bakr, Imam Al-Ghazali stated: "If only Omar had pledged allegiance to Abu Bakr, and the rest of the community opposed or divided equally into two indistinguishable groups, the caliphate contract would not have been established...Power and majesty are achieved only with the consent of the majority."²⁷ Similarly, Ibn Taymiyyah remarked: "If only Omar and those with him had pledged allegiance to Abu Bakr, and the rest of the companions refrained, Abu Bakr would not have become the Caliph. He became the Caliph through the majority's allegiance, as they possess power and majesty."²⁸ These historic details documenting the practices of bay'ah help us understand an authentically Islamic social contract with precedence and relevance.

3.2.6 Nominating a Successor - *Istihlaf*

As an important side note, it's crucial to clarify the concept of "Istihlaf" (nominating a successor) in the context of Caliph Abu Bakr's recommendation of Caliph Omar as his successor. Some differing views exist regarding the legitimacy of Istihlaf. The most significant evidence cited in favor of its legitimacy is Abu Bakr's recommendation of Omar as his successor and Omar's subsequent recommendation of a six-member council for the selection of the next caliph.²⁹ However, the majority of Islamic scholars have interpreted the actions of both Abu

²⁶ Cengiz Kallek, "Biat," *TDV İslam Ansiklopedisi* (Istanbul: Diyanet Vakfı Yayınları, 1992), 7:120-124.

²⁷ Abu Hamid al-Ghazali, *Fedâihu'l-Bâtiniyye* (Kuwait: Dar al-Kutub al-Saqaifiyya, n.d.), 177.

²⁸ Taqi al-Din Ibn Taymiyyah, *Minhâcü's-Sünneti'n-Nebeviyye Fî Nakdi Kelâmi's-Şiati'l-Kaderiyye*, ed. Muhammed. Reşad Salim (Riyadh, Saudi Arabia: Câmiatü'l-İmam Muhammed b. Suûdi'l-İslâmiyye, 1986), 1:530.

²⁹ Mehmet Azimli, *Halifelik Tarihine Giriş* (Konya, Turkey: Öykü Yayınları, 2005), 67-117.

Bakr and Omar not as appointments but merely as nominations, with their caliphates becoming definitive only after the community's bay'ah.³⁰ Similarly, prominent Islamic political thinkers such as Abu Ya'la al-Farra and many contemporary Muslim scholars have emphasized that Istihlaf alone is insufficient for becoming a state leader; it merely serves as a nomination. According to them, for a person recommended by the Caliph to assume the caliphate, he must receive the approval of Ahl al-Hall wa al-Aqd and subsequent bay'ah from the entire community.³¹ Thus, viewing Istihlaf as an absolute method for determining the Caliph is less accurate than considering it a limited method applicable only under certain conditions, accompanied by consultation and bay'ah. Participation from the wider community is required to validate the authenticity of leadership. Transforming the caliphate into a hereditary monarchy, as in the case of father-to-son succession, undoubtedly contradicts the general principles of Islam.

None of the Rashidun Caliphs contemplated appointing their sons or relatives as successors, vehemently rejecting such suggestions. For example, Caliph Omar, while forming a six-member council from the surviving Ashara Mubashara (the ten companions promised paradise), deliberately excluded his relative Sa'id ibn Zayd. He refused to include any relatives in the council to avoid any suspicion and in accordance with practices that included affirmation from the wider community. Similarly, Omar decisively rejected proposals to appoint his son Abdullah as the Caliph, stating, "It is sufficient for one person from the family of Al-Hattab to be

³⁰ Abu Hamid al-Ghazali, *Fedâihu'l-Bâtiniyye* (Kuwait: Dar al-Kutub al-Saqafiyya, n.d.), 177; Taqi al-Din Ibn Taymiyyah, *Minhâcü's-Sünneti'n-Nebeviyye Fî Nakdi Kelâmi's-Şîati'l-Kaderiyye*, ed. Muhammed. Reşad Salim (Riyadh, Saudi Arabia: Câmiatü'l-İmam Muhammed b. Suûdi'l-İslâmiyye, 1986), 1:530.

³¹ Muhammed b. Hüseyin Ebû Ya'lâ el-Ferrâ, *el-Ahkâmu's-Sultaniyye* (Beirut: Dâru'l-Kütübi'l-İlmiyye, 2000), 25; Abdürrazık Ahmed Senhurî, *Fıkhu'l-Hilâfe ve Tetevvuruha li Tusbiha Usbete Ümemin Şarkiyye*, ed. Muhammed eş-Şâvî and Nadiye Abdürrazık es-Senhûrî (Beirut: Mu'assasat al-Risale, 2008), 138.

held accountable for the affairs of the Ummah of Muhammad."³² We see here choices that underscore the value of rejecting personal power for the longer-term good of leadership that includes community affirmation, of not outright participation.

3.2.7 Modern Thoughts

Seyyid Bey, a prominent scholar during the early days of the newly established Turkish Republic in the late Ottoman period, emerged as one of the most influential figures in the debates surrounding the Caliphate. He put forward significant views that shed light on the topic of the election of the head of state and bay'ah. Seyyid Bey emphasized that the Caliphate, being a mandate and guardianship contract, is a matter belonging to the people, and thus, he noted, the people or society could determine different forms of governance according to the needs of the time. According to him, community members could delegate their authority and responsibility either to an individual or to a committee.³³ Seyyid Bey sought to legitimize the newly adopted political model of the Republic with these words:

In the eyes of the Sacred Law (*Shari'a*), the purpose of the Caliphate is governance; to establish a just government. The administrative system we aim to establish today is consultation. While this administrative method receives Divine approval, what more do we seek? What is the purpose of having a Caliph over us like a specter?³⁴

During the same period, Muhammad Iqbal found representation of the Caliphate by the assembly appropriate and argued that the modern democratic order conforms completely to the spirit of Islam:

³² Şihâbüddin Ahmed b. Muhammed Ibn Abdürabbih, *el-Ikdü'l-Ferîd* (Beirut: Dâru'l-Kütübi'l-İlmiyye, 1404/1983), 5:27.

³³ Ramazan Yıldırım, *20. Yüzyıl İslâm Dünyasında Hilafet Tartışmaları* (İstanbul: Anka Yayınları, 2004), 107.

³⁴ Yıldırım, *20. Yüzyıl İslâm Dünyasında Hilafet Tartışmaları*, 107.

Turkey's interpretation is that according to the spirit of Islam, the duty of Caliphate or Imamate can be transferred to a group of people, or a council elected by popular vote. I personally believe that the Turkish view is correct. The democratic government system is not only completely consistent with the spirit of Islam but has also become a necessity in the face of new modern world still influencing the Islamic world.³⁵

Clearly, this approach also aligns perfectly with the concept of representative government in Western political thought.

It is evident from all these discussions that, in the core and true Islamic political understanding, the method of election of the head of state is entirely democratic in terms of modern political thought. The legitimacy of the head of state does not come from a sacred source but from the people. The source of power is the people, and it is they who grant the head of state the authority to govern, as well as the right to oversee and, if necessary, includes the power to remove him. This is fundamentally the right of the people or the assembly chosen by the community, known as "*ahl al-hall wal-aqd*." Moreover, Islamic scholars have stated that overseeing rulers is a collective duty (*fard al-kifayah*) for Muslims.³⁶

Therefore, since state leaders derive their authority from the people, they must institutionalize an open, transparent, and accountable concept of state. Transparency and openness must dominate all institutions and operations of the state, and there should be no obscured state or hidden agendas. When clarity and functioning are achieved, the trust of the people in the state and its administrators will increase. The practices of the Prophet and the Rightly Guided Caliphs in state administration were remarkably open and transparent. For instance, the Prophet's speech to the Ansar regarding the division of the spoils of Khaybar, and

³⁵ Muhammed Iqbal, *İslâm'da Dinî Düşüncenin Yeniden Doğuşu*, trans. Ahmet Asrar (Istanbul: Birleşik Yayınları, 1996), 213.

³⁶ Abdülkerim Zeydan, *el-Veciz Fî Usûli'l-Fıkıh* (Baghdad, Iraq: Müessesetü Qurtuba, 1976), 36-37.

Caliph Umar's explanation to his companions about the garment he wore during a sermon, which was made from the spoils of war,³⁷ are exemplary cases in point.

3.2.8 After the Rightly Guided Caliphs

Unfortunately, after the ideal era of the Caliphate, known as the Rightly Guided Caliphs, the practice of allegiance (*bay'ah*) — akin to today's democratic elections at that time — became largely theoretical and turned into a mere formality, losing its true essence. Despite the principle that consent and will are essential for the contract of bay'ah, the Umayyad rulers obtained allegiance (bay'ah) by force, disregarding opposing legal opinions of the scholars.³⁸

In Islamic history, the first person to seize the Caliphate through force was Muawiyah ibn Abi Sufyan, the founder of the Umayyad State. Hasan al-Basri said, "Muawiyah had four faults, any one of which would be enough to destroy him in the hereafter." The worst two, he highlighted, that Muawiyah seized the Caliphate through force without consulting the many companions and virtuous people present and designated his morally flawed son, Yazid, as his successor.³⁹ Similarly, Al-Juwayni rejected the opportunity to take over the state by using force and strength, characterizing usurpation of government through force and injustice as wickedness (*fisq*), a departure from the attribute of justice. He stated that the leadership of a wicked person

³⁷ After a victorious battle, spoils of war were distributed among the Muslim community under Umar's leadership. On one occasion, Umar appeared before the people wearing a garment that was part of the spoils. This was unusual because the garment was noticeably finer than his usual attire, which was characteristically simple and modest. His companions were curious or concerned about the source of this garment, given Umar's known aversion to luxury and his insistence on equality and fairness in the distribution of wealth. In response to the inquiries from his companions, Umar explained that he had not appropriated the garment for himself unjustly. He clarified that his son had received the garment as his share of the spoils and had given it to his father. Umar's explanation served to reassure his companions that he had not deviated from his principles of justice and equality. He emphasized that he, like any other Muslim, was entitled to a share of the spoils, but in this case, the garment was a gift from his son.

³⁸ Abdurrahman b. Muhammed Ibn Khaldun, *Muqaddimah*, trans. Halil Kendir (Istanbul: Yeni Safak Yayınları, 2004), 1:294.

³⁹ Muhammad b. Jarir al-Tabari, *Tarikh al-Rusul wal-Muluk* (Beirut: Dar al-Turath, 1387/1967), 5:279.

would be invalid.⁴⁰ Ibn Hajar al-Haytami also stated that a person who seizes power through force is unrighteous, deserving more disdain and acts of prevention.⁴¹ Recognizing that the oaths of allegiance were taken under duress, Imam Malik ruled that oaths taken under pressure are invalid. When the Umayyad rulers realized that the oaths of allegiance they had obtained would be invalid based on his verdict, they caused significant troubles for Imam Malik.⁴²

However, as mentioned above, according to the fundamental principles in Islamic sources and early practices, the head of state (imam or caliph) comes to office through a contract of allegiance (*bay'ah*), which is parallel to our understanding of an election. In this contract, community members appoint the head of state as their guardian and representative to carry out administrative tasks on their behalf, thereby authorizing him to represent them in matters of state governance. However, it must be understood that this is not an absolute and unlimited authority. The head of state's powers continue as long as he adheres to the law and operates within legitimate boundaries. If he abuses this authority, various penalties and sanctions come into play, one of which is dismissal from office.

3.2.9 Removal from Office – Claim to Heaven

Islamic scholars, in principle, state that since the right to elect the head of state belongs to the people, the right to dismiss him also belongs to the people. However, both for more accurate choices and for practical reasons, this authority is delegated to a committee called "ahl al-hall wal-aqd," acting on behalf of the people. Thus, a head of state deemed to have lost his

⁴⁰ Imam al-Haramayn al-Juwayni, *Giyâsü'l-Umem fi Itiyasi'z-Zulem*, ed. Mustafa Hilmi and Fuad Abdülmünim (Alexandria, Egypt: Daru'd-Da'wa, 1400/1979), 326-327.

⁴¹ Ibn Hajar al-Haytami, *es-Sawaiq al-Muhriqa Ala Ahli'l-Rafd wal-Dalal wal-Zandaqa* (Beirut, Lebanon: Mu'assasat al-Risale, 1997), 2:627.

⁴² Abdurrahman b. Muhammed Ibn Khaldun, *Muqaddimah*, trans. Halil Kendir (Istanbul: Yeni Safak Yayınları, 2004), 1:294.

qualification can be removed from office either directly by the said committee or through a legal framework to be established in advance, or the dismissal decision can be tied to the verdict of a competent court. The most important debates in this regard have revolved around the loss of the attribute of justice (becoming wicked and oppressive) by the head of state.⁴³ According to the Shafi'is, a wicked caliph loses his office automatically. For the Hanafis, although a wicked caliph's term does not end automatically, the right to dismiss him arises. The Malikis and Hanbalis do not consider wickedness alone as a reason for dismissal.⁴⁴

So, what should be done against a head of state who refuses to comply with a dismissal decision? Can force be used against him, or can an uprising and rebellion be initiated? Three different approaches have emerged in this regard: The first is the revolutionary approach advocated by the Kharijites. According to them, a head of state who has lost his qualification and refuses to step down is overthrown, and power is then handed over to a competent ruler. The second approach is the patience stance adopted by some Sunni scholars. They advocate for patience to avoid potential strife and confusion and to preserve the political and religious unity of society. The third approach is a middle path between patience and revolution, advocated by the consolidation school. They link the legitimacy of a revolt to the emergence of suitable conditions and the feasibility of success. Some Mutazilites and Sunni scholars are of this last opinion.⁴⁵

Imam Abu Hanifa stated that an attempt to revolt against an oppressive ruler is legitimate if it focuses on the welfare and betterment of the people. Abu Hanifa's verdict was not merely theoretical; he actively supported some justified revolts during the Umayyad and Abbasid

⁴³ Imam al-Haramayn al-Juwayni, *Giyâsü'l-Umem fi Itiyasi'z-Zulem*, ed. Mustafa Hilmi and Fuad Abdülmünim (Alexandria, Egypt: Daru'd-Da'wa, 1400/1979), 80, 88 and 92.

⁴⁴ Talha Yıldız, "İslam ve Batı Hukuk Düşüncesinde Devlet Başkanının Azledilmesi Problemi," *Journal of Islamic Research*, no. 1 (2015): 294-295.

⁴⁵ Abdulnasır Süt, "İslam Düşüncesinde Muhalefet," *Milel ve Nihal* 15, no. 2, (2018): 79-80.

periods.⁴⁶ Additionally, it is important to note that Hanafî jurists, by defining rebellion as "illegitimate uprising against a legitimate head of state," excluded resistance against a wicked and oppressive head of state from this definition, thus not considering resistance against an illegitimate head of state as rebellion.⁴⁷

A contemporary Islamic jurist, Sanhuri, conditioned the overthrow of a wicked caliph through uprising and force on two conditions: first, a strong belief in the success of the revolt, and second, that the opposition is intended to bring a qualified caliph (head of state) to power. Thus, he highlighted the importance of both avoiding anarchy and ensuring that the uprising is undertaken with good intentions.⁴⁸

What is noteworthy here is that despite differing opinions on what should be done against a head of state who has lost legitimacy, the proponents of the three different views mentioned above all agree that there is a legitimate and existing right to resist a caliph who has lost the attribute of justice.

It should be noted that similar debates have taken place in the Western world. For example, in the establishment of the state, John Locke and Rousseau based their arguments on the idea of a social contract. According to them, the head of state derives his legitimacy from the approval of society and can only use the powers granted by the society. However, these two philosophers presented different approaches regarding what should be done when the head of state steps outside the social contract. According to Locke, the people, who have given the head

⁴⁶ Adem Çaylak and Rabia Nur Kartal, "İslam Siyaset Tarihinde Bilgi (Ulema) İktidar (Ümera) İlişkisi: Ebu Hanife Örneği," *Kocaeli University Journal of Social Sciences*, no. 38 (2019): 153.

⁴⁷ Ali Şafak, "Bağy," *TDV İslam Ansiklopedisi* (İstanbul: Diyanet Vakfı Yayınları, 1991), 4:451; Sevinç Okka, "İslam Hukuku ve Osmanlı Uygulamasında Devlete İsyân (Bağy) Suçu," (Konya, Turkey: Selçuk University, 1997), 12-14.

⁴⁸ Mehmet Akif Aydın, "Anayasa," *TDV İslam Ansiklopedisi* (İstanbul: Diyanet Vakfı Yayınları, 1991), 3:162.

of state the authority to govern and make decisions on their behalf, have the right to revolt and change the existing regime if the head of state exceeds his legitimate boundaries. Rousseau, on the other hand, opposed this idea, stating that maintaining the right to revolt would lead the state to uncertainty and instability.⁴⁹

In the history of Islam, unfortunately, due to the lack of institutionalized political oppositions and the unsuitability of governance systems for such political oppositions, rebellion has remained the only alternative for those dissatisfied with the administration. In contrast, in countries where democratic practices prevail, the people can change an unsatisfactory government in the next elections if a pattern and practice of peaceful and participatory elections have been established in that society.⁵⁰

3.2.10 A Western Perspective

3.2.10.1 Hobbes

In the annals of Western political history, Thomas Hobbes stands as a seminal figure credited with the establishment of the conceptual foundations of indirect or representative governance. His political philosophy presents a significant departure from classical republican ideals, advocating for indirect or representative governance. Contrasted with the notion of direct rule by the people, Hobbes proposes the concept of sovereignty as an embodiment of the collective will, represented through an entity termed "the Leviathan." This sovereign is not an individual ruler but an institutional role, deriving its legitimacy from the people's consent and tasked with maintaining peace and order.

⁴⁹ Talha Yıldız, "İslam ve Batı Hukuk Düşüncesinde Devlet Başkanının Azledilmesi Problemi," *Journal of Islamic Research*, no. 1 (2015): 300-301.

⁵⁰ Nevin A. Mustafa, *İslâm Siyasi Düşüncesinde Muhalefet*, trans. Vecdi Akyüz (İstanbul: İz Yayınları, 1990), 86.

In modern democratic systems, Hobbes' model highlights the importance of a government that represents the collective will of the people, yet is not directly managed by them. This approach underscores the principle that political power stems from the consent of the governed and should be exercised for their collective benefit. Hobbes' theory, thus, advocates for a government accountable to its citizens, balancing the maintenance of societal order with the responsibility to uphold the interests and consent of the people it represents.

3.2.10.2 Locke

Furthermore, Hobbes, extending Machiavelli's concept of *The Prince*, transformed it into a doctrine of sovereignty that laid the groundwork for our understanding of impersonal or representative government. He re-envisioned princely power as a sovereign office, vested with absolute authority deemed necessary to uphold the rule of law, justice, and political stability. Locke, however, proposed an alternative framework, advocating for a liberal constitutional theory of the state. His approach sought to moderate Hobbes's stern model of absolute governance, introducing a more balanced and participatory system.

Locke's Doctrine of Consent significantly advances the concept of representative government. He posits that the legitimacy of a government's authority stems from a social contract between the rulers and the people, grounded in the mutual consent of the governed. This contract inherently limits governmental power, ensuring that it operates under the rule of law and focuses solely on the peace, safety, and welfare of the populace.⁵¹ Locke's assertion that a majority in a community, once consented, has the right to act and conclude on behalf of the entire body politic, forms an early and robust argument for democratic governance.⁵² Reflecting

⁵¹ John Locke, *Second Treatise of Government*, in *Two Treatises of Government*, ed. Peter Laslett (Cambridge: Cambridge University Press, 1991); XIV:160.

⁵² Locke, *Second Treatise of Government*, VIII:95.

on Locke's theories, political scientist Willmoore Kendall highlighted that Locke's philosophies form the foundation of majority-rule democracy.⁵³

In the context of contemporary democratic systems, Locke's Doctrine of Consent holds profound significance. It underscores the principle that government derives its legitimacy and authority from the consent of the governed, a cornerstone of modern democratic thought. This doctrine ensures that governmental power is not absolute but is constrained by the will and welfare of the people. Locke's emphasis on mutual consent and majority rule highlights the importance of participation and representation in governance. It advocates for a system where the government is not only accountable to its citizens but also reflective of their collective will. The Doctrine of Consent, as articulated by Locke, thus provides a foundational principle for ideal democratic systems, emphasizing the role of citizens in shaping their government and ensuring that it remains responsive and accountable to their needs and aspirations.

3.2.11 Conclusion

In conclusion, according to Islam, the fundamental principle affecting the ascent of a state leader to office is election and allegiance. The purpose of this principle is similar to that in modern democratic systems today: to ensure that individuals who have the approval and acceptance of all or the majority of the people come to power. How these principles will be implemented and what kind of procedures will be followed will vary over time and from society to society. This is because Islamic law, having a universal and flexible structure, does not decree prescriptive and fixed rules on such detailed matters. We do see in historical application and practices from early Muslim leaders parallels to modern democratic principles, particularly when

⁵³ Willmoore Kendall, *John Locke and the Doctrine of Majority-Rule* (Urbana: The University of Illinois Press, 1965), 31.

we consider justice, the will of all people, and the right to rule balanced with care for wider communities.

3.3 Shura - Collective Social Consciousness

3.3.1 Introduction

One of the most fundamental and vital principles that Islam introduces to state governance is Shura (consultation). The Quranic verse, “who (conduct) their affairs by mutual Consultation,”⁵⁴ establishes a universal principle that the accuracy of decisions, resolution of social problems, and the sustenance of a state system based on justice, largely depend on adhering to this essential principle. The Prophetic traditions and the practices of the Prophet Muhammad demonstrate that the political system should be based on the principle of Shura, recognizing it as one of the key foundations of governance.

3.3.2 The Quran and the Sunnah

Let's delve deeper into the principle of Shura. We want to focus on two Quranic verses that explicitly command Shura. The fact that the chapter (surah) which includes one of these verses, is named “Ash-Shura” is significant, as it draws attention to the importance of consultation (shura).

The verse from the chapter Ash-Shura states: “Those who hearken to their Lord, and establish regular Prayer; who (conduct) their affairs by mutual Consultation; who spend out of what We bestow on them for Sustenance.”⁵⁵ Careful examination of this verse reveals the significance Allah places on Shura. After defining believers as those who respond to Allah's call, the verse mentions three significant actions in response: prayer, consultation, and spending.

⁵⁴ The Quran 42:38.

⁵⁵ The Quran 42:38.

The mention of consultation (shura) among the two fundamental pillars of Islam, which encompass both physical and financial worship like prayer and almsgiving, indicates that it (consultation) is considered as significant as an act of worship. Therefore, a society that does not value or properly implement consultation will not have fully responded to God's call and will not be considered completely Muslim in the fullest sense.

The phrase “And their affairs are [conducted] through consultation among themselves” requires special attention. Exegetes interpret this verse as implying an imperative (*inshai*) meaning, even though it is phrased as a statement (*ikhbari*). Some scholars argue that the verse implies an obligation stronger than a direct command due to the way Allah emphasizes Shura as a fundamental and inseparable characteristic of believers.⁵⁶ Additionally, the use of a nominal sentence in Arabic implies permanence and stability, suggesting that Shura is a fundamental decision-making method to be applied in all times and places.

In addition, the use of the word “affair” (*emr*) in a general sense in the verse also indicates the broad scope of application for consultation, necessitating the resolution of familial, social, economic, and political problems through consultation. The phrase “among themselves” implies equality in participation in Shura, without distinctions between rulers and the ruled, or rich and poor, treating all individuals at the same level.

The second verse, from the chapter Al-Imran, reads:

It is part of the Mercy of Allah that thou dost deal gently with them. Wert thou severe or harsh-hearted, they would have broken away from about thee: so pass over (Their faults), and ask for (Allah's) forgiveness for them; and consult them in affairs (of moment).⁵⁷

⁵⁶ Muhammad Rashid b. Ali Raza, *Tafsir al-Manar* (Cairo: Egyptian General Book Authority, 1990), 4:38.

⁵⁷ The Quran 3:159.

To better understand the verse, let's consider the context of its revelation. Before the Battle of Uhud, the Prophet Muhammad consulted with his companions and, despite preferring a defensive strategy, he adhered to the majority's opinion to engage in open battle. However, the battle resulted in the martyrdom of 70 companions, injuries to all participants, and harm to the Prophet himself. Aware of these forthcoming hardships through a vision, the Prophet adhered to the consultation outcome to establish the discipline of consultation and make it a fundamental rule for believers. That is, he could have used prophecy to avoid the heartache and loss; however, as a just ruler committed to consultation, he allowed the will of those in consultation to prevail. The painful outcome underscores the greater importance of consultation instead of despotism. How much more should stable, democratic leaders value the opinions and insight of those with whom they are in consultation. This verse, revealed in the context of these memorable events, sets forth important principles regarding Shura for all believers until the Day of Judgment.

Following the Battle of Uhud, it was likely that some might harbor suspicions or blame, pondering if staying in Medina rather than following the consultative decision to fight at Uhud would have avoided hardships. At this critical juncture, Allah first commends the Prophet's gentle, collaborative behavior, then instructs him to forgive the companions, pray for their forgiveness, and importantly, *continue* to consult them in decisions and resolutely implement the outcomes of such consultations.

This indicates that regardless of the outcomes, decisions made through Shura must be unwaveringly adhered to, and solutions outside of Shura should not be sought or acted upon. These are quite vital principles for ensuring that the Shura continues consistently, sustainably, and allows people to express their ideas courageously.

Although the [perceived speaker of the] verse directly addresses the Prophet, it essentially speaks to all believers through him. Considering that consultation was mandated even for the Prophet, who received continuous revelation and possessed exceptional wisdom, it is undoubtedly obligatory for leaders who lack such divine guidance.⁵⁸

The Prophet Muhammad not only emphasized the importance of consultation in verses and hadiths but also diligently applied it in his practical life, serving as a model for his community. References in hadith and biographical literature of the Prophet show that Prophet Muhammad resolved almost every issue concerning the general Muslim populace which fell outside of revelation through consultation with his companions.

The Prophet consulted his companions on state affairs such as whether to confront the enemy at the Battle of Badr, how to treat prisoners of war, and whether to advance against the polytheists before the Treaty of Hudaibiyyah. He also sought consultation on religious matters, that were not subject to revelation, such as the method of calling to prayer or constructing a pulpit in the mosque. He even consulted his companions on personal matters like the incident of *ifk* (Slander of Aisha).⁵⁹ We see in this consistent modeling a commitment to Shura that highlights its flexibility and practicality. It can be adapted to a variety of settings and contexts; no leader should feel empowered to lead without it.

3.3.3 Shura as the Collective Consciousness

The concept and practice of Shura denotes reaching a common conclusion through serious deliberation of various alternatives in an open, dialogical environment where different

⁵⁸ Kahtan Abdurrahman al-Duri, *Eş-Şûrâ beyne'n-Nazariyyeti ve't-Tatbîk* (Beirut: Kitab-Nasirun, 2017), 47-71.

⁵⁹ Abu Abdullah Muhammad ibn Ismail (Al-Bukhari), *Al-Jāmi' al-Şaḥīḥ* (Beirut: Dar al-Kutub al-Ilmiyya, 1994), Şehādât:15.

opinions can be freely expressed. It involves careful and unbiased research (including second- and third-level consequences and considering the greater good for the maximum number of community members) by qualified individuals. It is not merely a matter of voting or counting hands; rather, it is an effort to reach the most accurate opinion through comprehensive examination of views by competent people. From this perspective, Shura represents the transformation of decision-making in state affairs from personal initiatives to collective consciousness. The fundamental principle in Shura is the formation of this collective consciousness that leads to just, inclusive rule and political participation.

Given that leaders are commanded to employ consultation (shura), they should resolve the community's affairs through this process. In this way, in fact, the people will essentially be obeying their own decisions. Decisions taken in this manner move from individual discretion to a collective opinion formed by the people themselves, resulting in the populace adhering to the very decisions they have made. In fact, this approach in Islamic political thought balances and limits the issue of obedience to rulers through the principle of shura (consultation). Just as the governed are obligated to obey the legitimate commands of the ruler, the rulers are also obligated to adhere to the decisions made through the consultation of the governed (even if they disagree or feel they have access to special wisdom). The attainment of justice, the prevention of arbitrariness, and the obstruction of autocratic regimes in state governance are largely dependent on the implementation of such a principle.

3.3.4 Shura Council - Qualitative and Substantive Aspects

An important aspect of Shura is that it aims to reach the most accurate opinion through in-depth and comprehensive examination of views by competent individuals. Notably, this can only be achieved through the meticulous work of a competent delegation, known as a Shura

council, comprising individuals chosen and agreed upon by the people. In essence, consultation is a right and also a duty of the entire community. However, due to practical difficulties and the inappropriateness of everyone expressing opinions on every matter, consultation should be conducted with competent representatives of the people.

Thinkers like Rene Guenon, J. S. Mill, and Leslie Lipson have expressed concerns about the purely quantitative approach to governance in democracies and the neglect of qualitative and substantive aspects.⁶⁰ The suitability of leaving politics, which requires specific knowledge and experience, entirely to the general populace has been questioned by many philosophers and political theorists. There is no guarantee that the choices and decisions of a very slight majority are correct, especially in a society where the uneducated, ignorant, or apolitical individuals are numerous.⁶¹

Democracies, by their nature, do not focus on the question of who should govern, nor do they consider overmuch the necessary qualities of leaders. Participants in a democracy assume that the person chosen by the majority is the right person for governance because all who can and choose to participate in choosing him or her have acted upon that choice. This is why even in the most democratic countries, individuals with no understanding of society, political experience, or foreign relations can come to power. These individuals may convince or deceive the public through propaganda techniques, media and financial support, and backing from their parties. Or, sometimes outsiders bring necessarily fresh perspectives and do good in collaboration with experts. Ultimately, in democracies, it is always within the realm of possibility that governance may not remain in the hands of competent, knowledgeable, and just individuals, but rather in the

⁶⁰ John Stuart Mill, *Considerations on Representative Government*, ed. Currin V. Shields (Indianapolis: Bobbs-Merrill, 1958), 114-116.

⁶¹ Ali Bulaç, *Din ve Siyaset* (Istanbul: İnkılap Yayınları, 2014), 206-210.

hands of an oligarchic minority that holds political and economic power. It is not at all difficult to find examples of this in today's modern democracies. From this perspective, we believe that the principle of Shura in Islamic political thought can be considered as an alternative path in the qualitative and substantive areas, where democracies are prone to weaknesses and shortcomings, potentially even for non-Muslim countries. In diverse political systems, just as Muslim political leaders can learn from political thinkers in the West, so too can Western democratic leaders learn from quintessentially Islamic practices of collaborative leadership.

Another important point regarding the Shura council is that its members should be selected from different sects, ideologies, and groups. If the widest array of people select the members of the Shura council, this condition will be naturally met. The Prophet Muhammad in many hadiths prohibited people from engaging in governance if they were not accepted by the public. Imam Shafi' stated that a ruler should gather people of different opinions to seek their views, as contrary opinions enable a more detailed and in-depth examination of the matter, leading to the most suitable opinion.⁶² Consultation conducted only with people belonging to a specific group or ideology will be sterile and unproductive. It is unlikely for a head of state who consults only with his or her supporters and allies to enact just and beneficial policies for the public. Unfortunately, many rulers in the Islamic world today consult only with those they deem “appropriate for consultation,” and are satisfied with consulting solely with them. As a result, politics become significantly corrupted, and the institution of shura has been distorted.

3.3.5 Implementation of Shura

While Shura is clearly mandated as an obligation in the Quran and the Sunnah, the detailed regulations regarding its implementation are left to human intellect and experience. This

⁶² Muhammad b. Idris Imam Shafi'i, *El-Ümm* (Beirut: Dâru'l-Ma'arife, 1990), 6:220.

flexibility and dynamism reflect the adaptable and dynamic nature of the fundamental principles of Islam, applicable across different eras.

Measuring the effective implementation of Shura largely depends on understanding its intended purposes and benefits. If the desired benefits are not realized despite conducting Shura, it means that Shura is not being properly executed. Undoubtedly, the foremost and most significant purpose of the consultation (Shura) is the eradication and removal of despotism, dictatorship, and tyrannical domination from society. Entrusting affairs concerning the entire Ummah to a single person, and concentrating power in the hands of a single individual or an oligarchic group, will inevitably lead to corruption, human rights violations, and restriction of freedoms. In this regard, Allah (God) has decreed consultation (Shura) as a fundamental duty for leaders to adhere to and an inalienable right and responsibility for the governed that cannot be relinquished. And in this way, Allah has willed that the affairs of governance of the community be managed through the decisions of competent individuals selected by the community itself.

The Quran, besides specifically condemning figures like Pharaoh and Nimrod,⁶³ in many verses generally reproaches tyrants and despots. One of its significant aims is to liberate people from the oppression of absolute regimes and instead ensure that those elected and approved by the people govern them. Moreover, Quranic principles have established rules enabling the monitoring and control of elected leaders' actions, holding them accountable for their mistakes and errors, and, if necessary, their removal from the office, especially if their tyrannies cannot be

⁶³ The Quran condemns various tyrannical figures, including Pharaoh and Nimrod, for their arrogance, oppression, and defiance against God's messengers. Pharaoh: Known for his tyranny in ancient Egypt, Pharaoh is infamous for enslaving the Israelites and rejecting Prophet Moses' call to worship God alone. His arrogance and claim of divinity led to his downfall and drowning when pursuing Moses and the Israelites during their exodus. Nimrod: A king who challenged the monotheism preached by Prophet Abraham. Nimrod is notorious for his attempt to execute Abraham by fire for refusing to recognize Nimrod as a god, showcasing his arrogance and opposition to God's message.

prevented. Islam has ordained consultation (Shura) as the most effective way to ensure all of these objectives.

3.3.6 Sharing Power with the Societal Base - Participatory Democracy

Another important aspect related to the principle of consultation is the aim to spread political power as widely as possible across a societal base, making political participation dynamic, active, and continuous. This reflects the ideal model of participatory democracy found in modern democracies. At times, during certain critical moments, even if their opinion was not solicited, some of the companions would ask the Prophet, “O Messenger of Allah, is this a revelation from the celestial realms, or is it your own opinion?” Upon learning that it was the Prophet's own decision, they would then comfortably and confidently make their own suggestions. This and similar examples show the extent to which the culture of consultation was internalized and established between the Prophet and his companions. Indeed, when the culture of consultation (Shura) is well established and internalized within the society, consultative assemblies will transform into schools of thought and debate, people will free themselves from apathy and engage more closely with societal issues, and this social awareness and greater sense of agency will also contribute to the development of future administrators. Such a participatory, active, and productive society is the ideal envisioned by the principle of consultation.

In the participatory democracy models that modern democracies emphatically insist upon, the emphasis is on making participation dynamic, active, and continuous, highlighting that the citizen's duty is not limited to just voting. Rather, it is stressed that people should continue to monitor and guide their elected leaders, conveying their thoughts and demands both individually

and organizationally.⁶⁴ This aligns precisely with the consultation principle prescribed in the Quran and the Sunnah. In this way, political power will be leveraged from members of the societal base as widely as possible, preventing monopolization of state resources and ensuring the highest level of public benefit.

3.3.7 Decision by Majority

Although reaching a consensus in consultation is ideal, it is often difficult. In cases of disagreement, the majority's opinion should prevail. This is clearly commanded in a hadith in Ibn Majah: “My nation will not unite upon misguidance. If there is disagreement, follow the great majority.”⁶⁵ Similarly, when Caliph Umar recommended a six-person council to select his successor, he advised them to decide by majority vote.⁶⁶ Ibn Mas'ud's statement that what is deemed good by the believers is also considered good in the sight of Allah⁶⁷ also demonstrates that siding with the majority is a characteristic inherent in the general nature of Islam.⁶⁸ This shows that consultation and democracy align in this respect, as well.

3.3.8 A Western Perspective of General Will – Shura - Collective Consensus.

Rousseau's philosophy marks a significant departure from conventional social contract theories, like those of Hobbes and Locke, by introducing the concept of the "general will" as an alternative approach to governance and societal organization. In his critique of civilization's

⁶⁴ Fatih Turan Yaman, “Katılımcı Demokrasi: Kapsam ve Unsurlar” [Participatory Democracy: Scope and Elements], *Trakya Üniversitesi İktisadi ve İdari Bilimler Fakültesi E-Dergi* 6, no. 2 (2017): 136-60, <https://dergipark.org.tr/en/download/article-file/400859>.

⁶⁵ Abu Abdullah Muhammad ibn Yazid al-Qazwini (Ibn Majah), *Sunan Ibn Mājah*, ed. Muḥammad Fuad Abd al-Baqi (Beirut: Dar al-Fikr, n.d.), Fiten: 8.

⁶⁶ Abu Abdullah Muhammad ibn Ismail (Al-Bukhari), *Al-Jāmi‘ al-Ṣaḥīḥ* (Beirut: Dar al-Kutub al-Ilmiyya, 1994), Fiten:2; Abu al-Ḥusayn Muslim ibn al-Ḥajjaj al-Naysaburi (Muslim), *Ṣaḥīḥ Muslim*, ed. Muḥammad Fuad Abd al-Baqi. Beirut: Dar Ihya al-Turath al-Arabi, n.d.), Imarah: 53.

⁶⁷ Ahmed b. Hanbal, *al-Musnad*, ed. Şuayb Arnavut (Beirut: Mu'assasat al-Risale, 2001), 6:84.

⁶⁸ Abu Hamid al-Ghazali, *Fedāihu'l-Bâtiniyye* (Kuwait: Dar al-Kutub al-Saqafiyya, n.d.), 175.

progression, Rousseau contends that the formation of governments, as proposed by his predecessors, exacerbated inequalities rather than resolving them. The social contract, in his view, became a tool for the affluent to maintain dominance over the less privileged, rather than a means of ensuring peace and justice.

Rousseau's "general will" emerges as a foundational concept for legitimate authority, diverging from the notion that true justice is influenced by external factors. This concept posits that justice stems from a collective will, a sort of communal consciousness, that remains untainted by individual biases and external pressures. While Hobbes and Locke focused on the social contract's role in safeguarding individual rights, Rousseau's concept of general will emphasizes the collective rights and interests of the community. He contends that through adherence to the general will, individuals can achieve a paradoxical state where they remain as free as before entering the social contract.

The doctrine of general will necessitates a complete commitment from individuals, not just to the contract but to the community as a whole. Rousseau introduces the notion that the only true sovereign is the collective will of the people, not any singular ruler or governing body.⁶⁹ This perspective shifts the focus from traditional forms of governance to a more direct democracy, where the people themselves are the sovereign authority. In this model, sovereignty is not an entity separate from the people but is embodied in the collective actions and decisions of the community.

The significance of Rousseau's doctrine of general will in ideal democratic systems lies in its emphasis on direct democracy and collective decision-making. It offers an alternative to the

⁶⁹ Rousseau, Jean-Jacques, *The Social Contract and Other Later Political Writings*, trans. Victor Gourevitch (Cambridge: Cambridge University Press, 1997); II:3 and IV:2.

doctrine of consent, focusing on a more participatory form of governance where the community's collective interests are paramount. This approach aligns closely with the principle of Shura in the Islamic tradition, which centers on collective consciousness and decision-making in state affairs. Shura, like Rousseau's general will, involves the transformation of decision-making from personal initiatives to a broader collective consensus.

The fundamental principle in both Rousseau's general will and the Shura is the formation of this collective consciousness. It suggests a shift from individualistic approaches to governance towards a more communal and consultative model, where decisions are made through inclusive deliberation and reflect the collective wisdom of the community. In this sense, Rousseau's doctrine presents a compelling framework for contemporary democratic systems, advocating for a deeper level of participation and inclusivity in decision-making processes, resonating with the communal ethos found in the principle of Shura.

3.3.9 Conclusion

Islamic scholars comparing consultation and democracy have highlighted their similarities and differences, with some even asserting that they are the same.⁷⁰ Both aim to prevent authoritarianism, avoid concentration of power, ensure equality and freedom of thought, and achieve justice. Considering that the essence of democracy is the ability of people to elect, oversee, and peacefully change their leaders, it is obvious that democracy and consultation have the same goals.

However, it must be emphasized that neither consultation nor democracy has a single agreed-upon form of implementation. Their theories and practices depend on the choices of those

⁷⁰ Muhammad Imara, *Fi'n-nizâmi's-siyâseti'l-Islamiyye* (Cairo: Maktabat al-Imam al-Bukhari, 2009), 73-86.

representing them. If it is considered that democracy is still early on its journey into maturity, it is naturally possible to shape it into a structure that takes into account the religious preferences of Muslims. This study aims to present an alternative approach, considering both the daily needs and spiritual well-being of people, unlike modern democracies that often focus only on material needs and the welfare of needs in this life (divorced from concerns about the afterlife or theology). We believe that modern democracies should cater not only to the material needs but also to the spiritual needs of societies, making new adjustments accordingly.

Our goal with this study is to consider democracy and consultation not as alternatives to each other but as mutually beneficial frameworks that can lead to the ensuring of the well-being of all humanity, protecting all rights and freedoms, and preventing all forms of oppression and abuse. It is important to look beyond names and labels to the real meanings and content (the outcomes) they represent. For instance, Hitler presented Nazism as “true democracy,” Mussolini described his utterly undemocratic Fascism as “central and authoritarian democracy,” Mao called his opposite-regime “new democracy,” Franco termed his dictatorship “organic democracy,” and Nasser defined his autocratic regime as “presidential democracy.”⁷¹ Furthermore, many modern democracies displaying dictatorial traits are essentially termed “democratic dictatorships” or “totalitarian democracies.” Categories and term are unhelpful; instead, we must examine what the lived experiences of those who belong to specific societies are like, and whether or not real people have freedom and access to participation.

3.4 Servant Government – A People Centered Government

3.4.1 Introduction

As previously articulated, Islam as a religion has not prescribed a specific model of state

⁷¹ Anıl Çeçen, *Human Rights* (Ankara: Gündoğan Yayınları, 1990), 59.

governance. It largely leaves this domain to human reason, knowledge, and experience. This is a requisite of Islam's nature as a flexible and universal religion. Thus, Islam does not have a fixed state or governance form; instead, there are varied state experiences established by Muslims. It is more accurate to refer to the states formed by Muslims in history or today as "states of Muslims" rather than "Islamic states."

However, this does not imply that Islam is indifferent to politics and the state. On the contrary, the Quran and the Sunnah have set the primary coordinates and imposed vital principles in this regard. Similarly, the Messenger of Allah and his Rightly Guided Caliphs have left behind a political experience worthy of emulation for Muslims and Muslim leaders. Islamic jurists, drawing from relevant texts and practices, have also contributed a rich Islamic literature on this subject. Essentially, what is crucial is not merely proposing specific theories and models in politics, but also presenting principles, perspectives, worldviews, and goals that will shape and give content to the theories. This is the ideal goal of Islam in the field of politics.

3.4.2 State for People Only

From this understanding, we can make the following observations about the structure of the state in Islamic political thought: In Islam, the state is not, as Hegel claimed, the will and desire of God on Earth. There is no room for a divine and sacred state in Islam, as was the case in medieval Christian examples.⁷² Although the state may be nourished by some divine principles, it is fundamentally a human system. Despite instances in Islamic history where caliphs were referred to as "the shadow of God on Earth" to legitimize their state, this has no religious foundation. For instance, Caliph Umar refused to be called "God's Caliph," instead

⁷² Muhammad Imara, *Ed-Devletü'l-Islamiyyeti Beyne'l-almâniyyeti ve's-Sultati'd-dîniyyeti* (Cairo: Dar ash-Shuruk, 1988), 27-30.

insisting on being known as the Prophet's successor and generally as "leader (*emir*) of the people."⁷³

Therefore, in Islamic political thought, the state is neither an absolute value nor does it possess intrinsic merit. It is not an end in itself but a means to serve the people, ensure societal peace, and facilitate the execution of justice. Means and tools gain value and legitimacy insofar as they serve these ends. The significance of the state is measured by its service to humanity and society. This is why Islamic scholars have defined the state more in terms of its functions and duties than its essence or nature. They have emphasized the state's importance in maintaining social order and security, preventing strife and chaos, and protecting fundamental rights and freedoms.

3.4.3 The Quran and the Sunnah

Indeed, according to Islam, the essence lies not in the state but in the individual and the community. Verses like “Ye are the best of peoples, evolved for mankind, enjoining what is right, forbidding what is wrong...”⁷⁴ and “Thus, have We made of you an Ummat justly balanced...”⁷⁵ underline this principle. A careful examination of Islamic rulings reveals that the objective is not to establish “a powerful state” but rather “a strong society.” Again, we see an emphasis on the experience of members of the communities, rather than the power of individual rulers. Hence, any view that individuals can be sacrificed for the state is fundamentally un-Islamic. The state exists not to jeopardize lives but to protect rights and ensure security, as the human being is the primary concern of all Islamic commandments. The main goal of the state

⁷³ Muhammad b. Jarir al-Tabari, *Tarikh al-Rusul wal-Muluk* (Beirut: Dar al-Turath, 1387/1967), 4:208.

⁷⁴ The Quran 3:110.

⁷⁵ The Quran 2:143.

and all its institutions should be to serve humanity; the state exists for the individual, not the other way around.

According to the essential sources of Islam, the state has never been the ultimate goal; it is merely a means to serve the community, ensure national security, fulfill the desires and demands of individuals, resolve conflicts and disputes, and uphold justice and equity. Islamic scholars have noted that the position of an imamate or head of state is not inherently necessary but is required for specific tasks such as repelling tyranny, protecting the nation, and implementing religious rulings.⁷⁶ Thus, the state's intrinsic value is non-existent; it gains value insofar as it achieves these objectives.

The Prophet Muhammad outlined the crucial traits of leaders: "If Allah appoints someone to govern the Muslims and he fulfills their needs and alleviates their difficulties, Allah will fulfill his needs and alleviate his difficulties."⁷⁷ The extent to which state leaders should be concerned and involved with their subjects is indicated in another hadith: "No guardian who is responsible for the affairs of Muslims but does not look after them in the same way as he looks after himself and his family will smell the fragrance of Paradise."⁷⁸ Thus, the head of state is not the master of the people but their servant, as indicated in the Prophet's famous saying, "The leader of people is their servant."⁷⁹ This perspective is encapsulated in another famous Hadith where the Prophet succinctly states that the primary duty of leaders is to safeguard the rights and welfare of those under their governance. He said, "All of you are shepherds and each of you is responsible for his

⁷⁶ Qadi Abu Bakr al-Baqillani, *Temhîdû'l-evâil fî Telhîsi'd-delâil*, ed. Imaduddin Ahmed Haydar (Beirut, Lebanon: Mu'assasat al-Risale, 1987), 477.

⁷⁷ Sulayman ibn al-Ash'ath al-Sijistani (Abu Dawud), *Sunan Abî Dāwūd* (Beirut: Dar al-Kutub al-Arabi, n.d.), Haraj:13.

⁷⁸ Sulayman b. Ahmad al-Tabarani, *Al-Mu'jam al-Sagîr* (Beirut: Islamic Bookstore, 1985), 2:137.

⁷⁹ Shiruya b. Shahrâdar al-Daylami, *Al-Firdaws bi Ma'suri'l-khitab* (Beirut: Dar al-Kutub al-Ilmiyya, 1986), 2:324.

flock. The ruler is a shepherd and is responsible for his flock.”⁸⁰

3.4.4 After the Prophet - the Rightly Guided Caliphs

The Rightly Guided Caliphs, cognizant of the Prophet's admonitions and warnings, dedicated their efforts during their caliphates to ensuring the wellbeing and peace of the people under their governance. They tried not to use their power and authority for personal gain, instead, they sought to employ it for public welfare. They addressed the needs of the poor, ensured justice between the strong and the weak, and distributed state revenues equitably, thereby establishing a governance characterized by justice, stability, peace, and prosperity.

While fulfilling their duties and responsibilities, the Rightly Guided Caliphs were careful to distance themselves from monarchical practices. For instance, Caliph Umar once questioned his role, asking, "Am I a caliph or a king?" to which someone responded, "A caliph takes only what is due and acts justly. Thankfully, you are such. A king oppresses with his actions." Another narrative attributes this response to Salman the Persian, familiar with Sassanian monarchical practices, who said, "If you take even a dirham more or less than due and spend it unjustly, then you are not a caliph." Upon hearing this, Caliph Umar, deeply sensing the weight of his responsibility, wept out of a profound sense of accountability.⁸¹ During Caliph Umar's caliphate, when Sassanian and Byzantine envoys arrived in Medina seeking him, they would often find him sitting or resting in a corner of the mosque. They were astonished to see a head of state so easily accessible and mingling among his people like an ordinary individual.⁸²

In a letter to Abu Musa al-Ash'ari, giving advice, Caliph Umar wrote:

⁸⁰ Abu Abdullah Muhammad ibn Ismail (Al-Bukhari), *Al-Jāmi‘ al-Ṣaḥīḥ* (Beirut: Dar al-Kutub al-Ilmiyya, 1994), Ahkām:1.

⁸¹ Muhammad Ibn Sa'd, *Et-Tabakâtü'l-Kübrâ*, (Beirut: Dar Sadir, 1968), 3:306.

⁸² Shibli Numani, *Bütün Yönleriyle Hz. Ömer ve Devlet İdaresi* [All Aspects of Caliph Umar and State Administration], trans. Talip Yaşar Alp (Istanbul: Hikmet-Dava-Çağ Yayinlari, 1975), 2:255.

Keep your door open to the people. Attend to the Muslims' affairs personally, for you are one of them, albeit burdened with greater responsibility. Abu Musa, I hear you live a life different from other Muslims in terms of clothing, food, and transportation. Beware of living like a well-fed beast in a lush field, for its demise lies in its fatness. When a ruler strays, so do the people. The most wretched are those whose subjects stray because of them.⁸³

Islamic jurists summarized the duties of state administrators with this legal maxim:

"Administration over the subjects is contingent on public welfare." This means all laws, actions, and policies of the state must be aimed at securing the benefit and interest of the people.

Therefore, those governing should use their authority and resources not for their own or a specific group's interests, but for the public welfare and societal good. Hence, the primary purpose of the state is the realization of the widest common good and societal welfare.

3.4.5 Political Scholars

Almost all works explaining the principles of Islamic jurisprudence, known as the literature of *al-Asbah wa'n-Naza'ir* or *al-Furuq*, mention this principle: "Administration over the subjects is contingent on public welfare." Although there are slight variations in wording, the essence conveyed is the same. For example, Shafi'i jurist Subki stated, "Those in authority must act according to the public interest,"⁸⁴ while Maliki jurist Kharafi provided a more detailed explanation: "The legitimacy of actions by state leaders or their deputies depends on whether their actions and decisions aim to achieve a benefit or avert a harm."⁸⁵ Izz bin Abdus-Salam further elaborated,

Rulers and their deputies must act in the best interests of those they

⁸³ Ala al-Din Ali ibn Husam al-Din Ali al-Muttaqi, *Kenzü'l-ummâl fî Süneni'l-akvâl ve'l-Ahvâl* (Beirut: Mu'assasat al-Risale, 1981), 5:696.

⁸⁴ Tajuddin al-Subki, *el-Eşbâh ve'n-Nezâir* (Beirut: Dar al-Kutub al-Ilmiyya, 1991), 1:310.

⁸⁵ Shihabuddin Ahmed b. Idris al-Qarafî, *Envâru'l-burûk fî Envâi'l-furûk* (Beirut: Âlemü'l-kütüb, n.d), 4:39.

govern, avoiding all harm and seeking all benefit. They cannot settle for less beneficial or inferior options as long as better and more beneficial ones are possible, except in cases of severe hardship. In their public duties, they cannot act as freely and comfortably as they would in their personal affairs.⁸⁶

Imam Ghazali emphasized the accessibility of the head of state to the public, advising against creating barriers between the ruler and the people. According to Al-Ghazali, the time a head of state spends ensuring the peace and happiness of the people is more virtuous than his engagement in supererogatory acts of worship.⁸⁷ In his advisory discourse to Osman Gazi, the founder of the Ottoman Empire, Sheikh Edebali succinctly captured this ethos saying, "Let people live, so that the state might live on."⁸⁸ Thus, a governance approach where the elite (*mele/mutrefin*) monopolize all political, economic, and social power, reducing society to "*mustadafin*" (oppressed, subjugated, and exploited masses), is not compatible with Islamic principles. The more a regime violates human rights, restricts freedoms, and perpetrates injustices under the guise of "state reason," "government wisdom," or "state's supreme interests," the further it strays from Islamic ideals.

Moreover, in Islamic political thought, the state is not a value-imposing entity dictating a specific lifestyle to its people. Modern Islamic legal scholar Wael Hallaq emphasizes that Islamic law (*Sharia*) was developed by individual jurists (*fuqaha*), independent of state control.⁸⁹ Laws (*ijtihad* and rulings) implemented in Islamic states were compiled by civil scholars, and the primary role of the state was to facilitate and protect these laws and values created by civil

⁸⁶ Izz b. Abdisselam, *Kavâidü'l-ahkâm fî Mesâlihi'l-enâm* (Cairo: Maktabat al-Kulliyat al-Azhar, 1991), 2:89.

⁸⁷ Abu Hamid al-Ghazali, *Et-Tibr al-Masbuk fî Nasihat al-Muluk*, ed. Ahmed Shamsuddin (Beirut: Dar al-Kutub al-Ilmiyya, 1988), 75.

⁸⁸ Gizem Zencirci, *The Muslim Social: Neoliberalism, Charity, and Poverty in Turkey* (Syracuse, New York: Syracuse University Press, 2024), 76.

⁸⁹ Wael B. Hallaq, *Shari'a: Theory, Practice, Transformations* (Cambridge: Cambridge Press, 2014), 18.

society. This is a very important principle inherent in the Islamic political understanding, which is not even seen in modern democratic state concepts. In Islam, the primary recipients of religious, legal, and political duties are not the state but the entire Muslim community (Ummah). The head of state executes these duties on behalf of the community. Therefore, if the state fails in implementing certain duties and obligations, the community must strive to rectify these shortcomings. Hence, in the context of Islamic political thought, the development of social consciousness and awareness is immensely crucial.

3.4.6 After the Rightly Guided Caliphs

Unfortunately, the people-centered, servant-state approach, emanating from the fundamental Islamic principles, was replaced by a sacrosanct state notion following the end of the ideal caliphate era. As in any system executed by fallible humans, ideals falter in practice. The appointment of Muawiya's son Yazid as his successor marked the beginning of a significant deviation and breakdown in the caliphate institution.⁹⁰ It is said that Muawiya's decision to appoint Yazid was influenced by the governor of Kufa, Mughira ibn Shu'ba. Hasan al-Basri remarked, "Two individuals have corrupted the governance system of the Ummah of Muhammad: Amr ibn al-As, who suggested raising the Quran on spears during the Battle of Siffin, and Mughira ibn Shu'ba, who advised Muawiya to secure allegiance for his son Yazid."⁹¹

With Muawiya, the preservation of his own power and dynasty became the foremost goal; the idea that individuals and even some religious values could be sacrificed for the state began to gain prominence. It is impossible to explain otherwise the killing of hundreds of companions including Hussein, the grandson of the Prophet Muhammad, Abdullah b. Zubayr,

⁹⁰ Jalaluddin al-Suyuti, *Tarikh al-Khulafa*, ed. Hamdi al-Demirdash (Beirut: Maktabat Nizar Mustafa al-Baz, 2004), 156.

⁹¹ al-Suyuti, *Tarikh al-Khulafa*, 156.

Hujr b. Adiy; the stoning of the Kaaba; the plundering of Medina; the torture of many companions like Anas b. Malik, Jabir b. Abdullah, Said b. Musayyab, and Sahl b. Sa'd; and the derogatory statements made against Ali in sermons. All these atrocities were committed solely to maintain the throne for one individual at any cost. This period marked the advent of an interventionist, sacred, and transcendental state concept in Muslim society, akin to what was seen in Byzantine and Sassanid empires. Concepts like "fundamental rights and freedoms," "justice," "political participation," "civil opposition" were replaced by excessively statist concepts like "order," "sedition," and "obedience." A new concept such as "state reason" and "political understanding," previously foreign to Muslims, emerged. As the political sphere expanded, the civil sphere diminished.

Founder and first caliph of the Umayyad Caliphate, Muawiya once said in a sermon, "The Earth belongs to Allah, and I am His caliph. Thus, what I take is mine, and what I leave is for the people."⁹² Unfortunately, the Umayyad sultans exhibited a starkly different state concept from the Rightly Guided Caliphs, treating the state treasury as their personal wealth, extravagantly using state resources, and recklessly exploiting state facilities. Their lavish palaces, hefty rewards to poets praising them, and opulent weddings are testament to this.⁹³ In contrast, the first four caliphs regarded themselves as stewards accountable for the state treasury, just as one is responsible for an orphan's property.⁹⁴ To them, state property was a trust from Allah and the people, which had to be well protected and used only in the interests of the people. Their commitments, contrasted with the greedy sultans, shows how adhering to the expectations of the

⁹² Ahmed bin Yahya al-Baladhuri, *Ansab al-Ashraf* (Beirut: Dar al-Fikr, 1996), 5:20.

⁹³ al-Baladhuri, *Ansab al-Ashraf*, 5:20.

⁹⁴ Malik b. Enes (Imam Malik), *Muwatta*, ed. Abdulwahhab Abdullatif (Beirut: Maktabat al-Ilmiyya, n.d.), 260.

Quran should have positive political and civic outcomes.

3.4.7 Some Exceptions with Helpful Examples

It should be noted that despite being an Umayyad caliph, Umar ibn Abd al-Aziz's governance was markedly different from other Umayyad rulers. He was a representative of the servant-state concept, like the Rightly Guided Caliphs. Upon becoming the caliph, Umar ibn Abd al-Aziz declared,

I am not a lawgiver but an enforcer of Allah's laws; not an innovator but an adherent. I am not superior to any of you; the difference lies in the greater burden of responsibility on me. A person who flees from an oppressive ruler and does not obey him is not unjust, for there is no obligation to obey anyone in disobedience to Allah.⁹⁵

In a similar vein regarding their approach to governance, a few Abbasid caliphs, much like Umar ibn Abdulaziz, aligned their governance style closely with that of the Righteous Caliphs. For instance, Caliph Al-Mahdi, in his inaugural sermon, proclaimed:

A great responsibility has been placed upon me. I shall be accountable before Allah as the leader of the believers. O Muslims, just as you are obedient to us in our presence, be the same in our absence, so that we may strive for your welfare. By Allah, I swear to dedicate my life in your service, rewarding the good and punishing the evil.⁹⁶

Striving for the welfare of members of the community and emphasis on "service" are distinctly civic-minded attributes. Similarly, Al-Mahdi, during his reign, fiercely protected scholars, commissioned scholarly works to combat ignorance and grow a thoughtful populace, and rendered significant services to Islam. In addition, another Abbasid caliph, Harun al-Rashid, was known for his piety, disregard for worldly possessions, and respect for scholars. Harun al-Rashid appointed Imam Abu Yusuf, the renowned student of Imam Abu Hanifa, as the chief judge of the

⁹⁵ Abu al-Fida Ismail bin Umar (Ibn Kathir), *al-Bidaya wa'n-Nihaya* (Beirut: Dar al-Fikr, 1986), 9:199.

⁹⁶ Jalaluddin al-Suyuti, *Tarikh al-Khulafa*, edited Hamdi al-Demirdash (Beirut: Maktabat Nizar Mustafa al-Baz, 2004), 202.

Abbasid state. Abu Yusuf was notably objective in pronouncing and implementing rulings, and Harun al-Rashid held his legal opinions in high regard.

During the Abbasid era, a letter written by Tahir ibn Husayn, the governor of Khurasan, to his son Abdullah ibn Tahir (d. 230), who was appointed by Caliph al-Ma'mun in 206 as the governor of Raqqa and Egypt, is considered one of the earliest examples of advisory literature. This type of leadership instruction reminds new leaders of their civic responsibilities. In this letter, Tahir ibn Husayn advised his son:

God has graced you (by making you a leader over people) and has entrusted you with the compassionate treatment of His subjects, to rule them justly, apply God's laws and boundaries, remove evils from them, protect their lives, properties, and honor, and ensure their comfort. Know that by being appointed a ruler, you have become the steward, protector, and shepherd of the people.⁹⁷

Currently, in U.S. politics, outgoing presidents write letters for their successors, giving advice and reminders that have been especially helpful for them. Even—perhaps especially—when the two leaders come from opposing political parties, this kind of advisory literature underscores civic values that enliven leadership beyond personal ambition.

3.4.8 A Western Perspective

3.4.8.1 Machiavelli

Machiavelli, a pivotal figure in Western political thought, deviated significantly in his philosophies from the classical political ideologies of Plato and Aristotle. Unlike their ideal republics, which were often perceived (and practiced) as domains of the elite, Machiavelli envisioned a political system where *the people* played a central role. This approach not only

⁹⁷ Abdurrahman b. Muhammed Ibn Khaldun, *Muqaddimah*, trans. Halil Kendir (Istanbul: Yeni Safak Yayınları, 2004), 1:405-412.

challenged the prevailing notions of his time but also laid the groundwork for early democratic principles. Machiavelli's political philosophy was underpinned by a shift in power dynamics, redistributing authority from the aristocracy to the broader populace. This concept was revolutionary, marking a fundamental transition in the perception and structuring of political power, which has had a lasting impact on the development of contemporary democratic systems. In other words, his thoughts represent a significant departure from traditional hierarchical models, advocating instead for a governance system that is more inclusive of the general population.

In the context of modern democratic systems, Machiavelli's emphasis on a people-centered government holds substantial significance. His advocacy for empowering the populace resonates with the fundamental democratic principle of government by the people. This perspective underscores the importance of servant leadership, where the primary role of the government is to serve its citizens, ensuring that their needs, rights, and aspirations are the central focus of governance. In contemporary democracies, this translates to a system where elected officials are seen as representatives of the people, accountable to them and dedicated to advancing their welfare. Machiavelli's insights contribute to the understanding that a truly effective and ideal democratic system is one where the government operates not as a ruler over its people but as a servant to them, fostering a society where power is exercised for the collective benefit rather than for the advantage of a select few.

3.4.8.2 Thomas Hobbes

In addition, Thomas Hobbes, in his political philosophy, envisions a government model centered around the sovereign's role in protecting individual rights, while simultaneously ensuring these rights are harmonious with the rights of others. This approach is aimed at

preventing a societal descent into a “war of all against all.” Hobbes, notably, places a greater emphasis on rights rather than duties, a stance that arguably positions him as a forerunner in the development of modern liberal thought. In his view, the protection of individual rights should be the paramount concern of the sovereign, reflecting a significant shift towards prioritizing individual freedoms over communal obligations.

In this framework, Hobbes underscores the idea that the sovereign's primary function is to ensure peace and security, thus allowing individuals the freedom to pursue their lives according to their own choices and preferences. This emphasis on rights over responsibilities suggests a model of governance where the role of the state is primarily as a protector and enabler of individual liberties rather than as an enforcer of communal duties.

In the context of contemporary democratic systems, Hobbes' conceptualization of a people-centered government holds substantial relevance. His emphasis on the protection of individual rights by the sovereign is in alignment with the fundamental democratic principle of safeguarding individual freedoms. The Hobbesian model advocates for a government that serves its people by ensuring their security and peace, thereby creating an environment where citizens have the autonomy to lead their lives as they deem fit. This approach underscores the concept of the government as a servant to its people, a notion that is central to the ideals of modern democracy. The significance of this model lies in its recognition of the state's responsibility to balance the protection of individual rights with the maintenance of social order, ensuring that personal freedoms are upheld within a stable and secure societal framework.

3.4.9 Conclusion

Ultimately, as seen in the fundamental Islamic sources, the Prophet's teachings, and the exemplary practices of the Rightly Guided Caliphs, it is clear that in Islamic political

understanding, like in modern democratic systems, the state does not have intrinsic value. The state is not an end in itself; rather, the primary focus is on the individual, and the state gains value to the extent that it serves people and meets the needs of the populace. Therefore, like in modern democracies, the fundamental goal is to domesticate and humanize the state apparatus by dedicating it to the service of the individual. There is no place for a sacrosanct state concept that, when necessary, sacrifices its citizens for "noble ideals" without being questioned for its actions. Consequently, respecting human will, valuing the choices of real humans, and thereby enabling all citizens to live with dignity and respect, are indispensable principles in the basic Islamic approach to politics, just as they are significant objectives in modern democracies.

Ali Bulaç, a Turkish scholar known for his work on political Islam and the sociology of contemporary Muslim societies, articulates this notion when he says, "We should look at ways to expand the initiative of the civil sphere against the political sphere."⁹⁸ Bulaç emphasizes the concept of a "strong society" rather than a "strong state" as the primary and most crucial condition for the cessation of autocracy. He underscores the necessity of preventing the suppression of the freedom and entrepreneurship of individuals under state hegemony. Bulaç asserts, "We must not turn a blind eye to the state's encroachment and domination over not only the political realm but also individual and societal life."⁹⁹

In conclusion, it can be said that the primary objective in both modern political thought and the Islamic approach to politics is to consider and center the welfare and interests of the people. This is the most important duty of the state. Heads of state and leaders must use their power and resources in this direction. They should protect the common interests of the people,

⁹⁸ Ali Bulaç, *Din ve Siyaset* (Istanbul: İnkılap Yayınları, 2014), 137.

⁹⁹ Bulaç, *Din ve Siyaset*, 137.

not just their own, their relatives', or those of certain groups and classes. The legality and legitimacy of a head of state's public actions and accomplishments are contingent on this. The people obey and should obey political leaders and authority because they believe it is in their best interest. Public welfare defines the limits of a head of state's discretion. A head of state who exceeds these boundaries engages in a usurpation of authority, thereby losing both their legal legitimacy and their right to obedience.

3.5 Civil Disobedience – Claim to Heaven

3.5.1 Introduction

In contemporary democracies, concepts such as political opposition, civil disobedience, passive resistance, peaceful protest, pursuit of rights, and freedom of thought are seen as fundamental elements and are strongly supported in law and custom. Indeed, for a state to stand on rights and justice, to prevent the corruption of politics, to establish a transparent and accountable governance, and to prevent rulers from turning to despotism, these principles are of great importance. This is because, in the steady progress of state administrators, alongside the constitution and laws, judiciary, political institutions, and bureaucracy, one of the most effective factors is the stance and attitude of the civil population towards their leaders.

In this section, we will focus on the essence and limits of obedience to the state and its leader, centering our discussion on what we term as the Islamic foundational texts - the Quran and the Sunnah - along with early practices. We will explore the position and framework of political opposition and civil disobedience from an Islamic perspective.

3.5.2 The Quran and the Sunnah

The relevant verse in the Quran is as follows: "O ye who believe! Obey Allah, and obey

the Messenger, and those charged with authority among you. If ye differ in anything among yourselves, refer it to Allah and His Messenger, if ye do believe in Allah and the Last Day: That is best, and most suitable for final determination."¹⁰⁰ The terms "those charged with authority among you" - *ülü'l-emr* - and "obey" - *a'tîû* - in this verse are among the fundamental concepts of Islamic political theory. The verse commands obedience to "those in authority" after Allah and His Messenger. Islamic scholars have debated who "those charged with authority" refers to in this verse and have sought to determine the limits of obedience to them. How this verse, which mentions "those charged with authority" alongside Allah and His Messenger, should be understood in today's context has been a main topic for scholars working on Islamic political theory.

Although "those charged with authority" in religious literature has been understood to mean rulers who have the authority to command and hold power, different views have been expressed in the interpretation of the above verse. The majority of scholars, following general usage, have stated that "those charged with authority" in the Quran refers to "authorities" who hold power and governance. In slight contrast, according to a group of prominent scholars, including Jabir ibn Abdullah, Hasan al-Basri, Ibrahim an-Nakha'i, Imam Malik, Mujahid, Ata, and Dahhak, "those charged with authority" refers to scholars and jurists who have specialized in religious sciences.¹⁰¹ Some scholars, such as Abu Bakr ibn al-Arabi, Ibn Kathir, Ibn Taymiyyah, and Ibn Qayyim, have expressed that "those charged with authority" is a more general concept

¹⁰⁰ The Quran 4:59.

¹⁰¹ Abu Abdullah Muhammad bin Ahmad al-Qurtubi, *Al-Jami li Ahkam al-Quran* (Cairo: Dar al-Kutub al-Misriyye, 1964), 5:259.

that includes both scholars and rulers.¹⁰²

To fully understand the above verse from Surah An-Nisa, it is beneficial to look at the preceding verse. The previous verse, verse 58, states: "Allah doth command you to render back your Trusts to those to whom they are due; And when ye judge between man and man, that ye judge with justice: Verily how excellent is the teaching which He giveth you!"¹⁰³ Commentators have unanimously agreed that this verse primarily pertains to rulers; the specific details of judging between people and judging with justice seem to exclude scholars or religious leaders.¹⁰⁴ Vital principles regarding governance are emphasized here. The incident reported as the cause of revelation of this verse also sheds light on its understanding. This verse was revealed inside the Kaaba on the day of the conquest of Mecca, when the Prophet intended to take the keys of the Kaaba from Osman ibn Talha and give them to his uncle Abbas. Consequently, the Prophet returned the trust to its rightful owner, Osman ibn Talha. The verse is referring to types of leadership applying to rulers.¹⁰⁵ With this verse, Allah holds rulers responsible for two fundamental duties: first, to observe trust, meaning to perform their duties entrusted to them in the best way, to use the power and strength entrusted to them for goodness and reform, and to make all appointments based on the principles of competence and suitability. The second responsibility mentioned in the verse is to rule with justice, meaning to be measured and balanced in their duties, to maintain fairness and equality in every matter, to give every

¹⁰² Abu Bakr Muhammad bin Abdullah (Ibn al-Arabi), *Ahkam al-Quran* (Beirut: Dar al-Kutub al-Ilmiyye, 2003), 1:574; Abu al-Fida Ismail bin Umar (Ibn Kathir), *Tafsir al-Quran al-Azim* (Beirut: Dar al-Kutub al-Ilmiyye, 1419/1999), 2:304.

¹⁰³ The Quran 4:58.

¹⁰⁴ Muhammad bin Jarir al-Tabari, *Jami al-Bayan fi Tafsir al-Quran*, ed. Ahmed Muhammad Shakir (Beirut: Mu'assasat al-Risale, 2000), 8:491.

¹⁰⁵ Resit Haylamaz and Fatih Harpci, *Prophet Muhammad: The Sultan of Hearts* [Gönül Tahtımızın Eşsiz Sultanı Efendimiz], trans. Nagihan Haliloglu (Clifton, New Jersey: Tughra Books, 2014), 2:360.

rightholder their due, and to refrain from all forms of injustice. Undoubtedly, each of these responsibilities is a significant burden for rulers.

So, on one hand, while Allah holds rulers responsible for such heavy burdens, on the other hand, in the following verse 59, He also obliges those governed to obey their rulers. In other words, while imposing significant duties and responsibilities on rulers, Allah also grants them important rights and powers to fulfill these responsibilities. Therefore, when these verses are analyzed in their entirety and considering the relevant hadiths, it becomes clear that the primary and foremost meaning of "those charged with authority" refers to rulers and administrators. The narrations stating that this verse was revealed concerning the commanders of armies further support this thesis.¹⁰⁶

3.5.3 Limits to Obedience

The pertinent question in relation to our topic is: What then is the extent of obedience to rulers?

According to Islam, obedience to rulers, once they are qualified and competent, is of great significance, regardless of who the rulers are or what position they hold. This is because numerous verses, including those previously mentioned, along with a multitude of hadiths, mandate obedience to them. Indeed, in a society where rulers cannot enforce their rule or have their commands heeded, anarchy and chaos are inevitable. In other words, in a state where citizens do not accept their rulers or the government, maintaining social harmony and public order becomes impossible.

What is the main purpose or the real reason for commanded obedience? Are there limits

¹⁰⁶ Abu al-Ḥusayn Muslim ibn al-Ḥajjaj al-Naysaburi (Muslim), *Ṣaḥīḥ Muslim*, ed. Muḥammad Fuad Abd al-Baqi (Beirut: Dar Iḥya al-Turath al-Arabi, n.d.), Ijarah: 31; Sulayman ibn al-Ash'ath al-Sijistani (Abu Dawud), *Sunan Abī Dāwūd* (Beirut: Dar al-Kutub al-Arabi, n.d.), Jihad: 87.

to obedience? What should be understood by disobedience? What qualities should a ruler possess to warrant obedience?

Upon a closer examination of the aforementioned verse from Surah An-Nisa, the following deductions can be made. The placement of obedience to the "those charged with authority" after obedience to Allah and His Messenger, and the repetition of the command "obey" twice for Allah and His Messenger, while not repeating it before "those charged with authority" but attributing it to the previous, indicates significant implications and meanings in the context of Arabic language and the general style of the Quran. Most importantly, the verse indicates that obedience to "those charged with authority" is not absolute and limitless.

According to the fundamental principles of Islam, no being other than Allah and, in a sense, the prophets, is worthy of absolute and limitless obedience. Islam does not grant unlimited powers to rulers, nor does it command unconditional obedience to them. The Prophet's saying, "in matters involving disobedience to Allah, obedience to the creation is not rendered,"¹⁰⁷ clearly expresses a general principle regarding obedience. Additionally, the following hadiths, "Obedience is only in what is right and just,"¹⁰⁸ and "Obedience is not rendered when commanded to commit sin or evil,"¹⁰⁹ are critical in indicating the limits of obedience. All these prophetic texts clearly express that obedience is neither absolute nor unlimited. Furthermore, an important point needs to be mentioned here that the actual meaning of obedience to a ruler is not to the individual rulers themselves, but to the laws and regulations they are obligated to implement.

¹⁰⁷ Ahmed b. Hanbal, *Al-Musnad*, ed. Şuayb Arnavut (Beirut: Mu'assasat al-Risale, 2001), 2:333; Abu Abdullah Muhammad ibn Ismail (Al-Bukhari), *Al-Jāmi' al-Şaḥīḥ* (Beirut: Dar al-Kutub al-Ilmiyya, 1994), Al-Ahad: 1.

¹⁰⁸ Al-Bukhari, *Al-Jāmi' al-Şaḥīḥ*, Ahkam: 4.

¹⁰⁹ Al-Bukhari, *Al-Jāmi' al-Şaḥīḥ*, Ahkam: 4.

In evaluating the relevant texts, Islamic scholars have extensively discussed the qualities that a head of state who deserves obedience must possess. Although various opinions have been expressed, generally, Islamic scholars have stated that a head of state must be "just" and "legitimate" to deserve obedience. They have noted that opposing and standing against a state leader who has lost the quality of justice, described as "*zalim*" (oppressor) and "*fasiq*"¹¹⁰ (transgressor), would not be considered disobedience.¹¹¹

In relation to this topic, Elmalılı Muhammed Hamdi Yazır (1878 – 27 May 1942), a prominent scholar and Quranic commentator from the late Ottoman period, made a unique observation while interpreting the 124th verse of Surah Al-Baqarah. In this verse, Allah declares His intention to make Prophet Ibrahim (Abraham) a leader (imam) for the people. Prophet Ibrahim, in turn, requests that leaders also emerge from his progeny. However, Allah responds, "But My Promise is not within the reach of evildoers[oppressors]."¹¹² Elmalılı interprets this verse as follows:

In the verse, Allah indicates that those among Prophet Ibrahim's descendants who may become leaders will not be from the group of oppressors, as the oppressors will be absolutely deprived of such an appointment. It is explained that the role of leadership (imamate) is bestowed upon those who are just and worthy. This verse serves as evidence that an oppressor is neither suitable nor worthy for leadership. Additionally, it implies that if a leader, initially just, turns to oppression, it becomes obligatory to remove him from his position. Since names with the definite article 'al-' (the) generally indicate generality in Arabic, the term 'the wrongdoers' encompasses all wrongdoers until the Day of Judgment.¹¹³

¹¹⁰ In Islamic terminology, it refers to someone who has strayed from the path of righteousness, violating Islamic law or moral principles.

¹¹¹ Cengiz Kallek, "Biat," *TDV İslam Ansiklopedisi* (Istanbul: Diyanet Vakfı Yayınları, 1992), 6:122.

¹¹² The Quran 2:124.

¹¹³ Elmalılı M. Hamdi Yazır, *Hak Dini Kur'an Dili*, ed. İsmail Karaçam, Emin Işık, Nusrettin Bolelli and Abdullah Yüce (Istanbul: Hikmet/Zehraveyn Yayınları, 2007), 1:406.

From this insightful interpretation, it is clear that the people's obedience to the head of state is contingent on him meeting the necessary conditions for the role. Succinctly, these conditions are: not violating or neglecting the duties of guardianship, consistently looking out for the welfare of the people, treating all citizens equally, and adhering to the law without fail. However, when the head of state loses his justice and legitimacy, steps outside the law, or begins to act unjustly and oppressively towards the citizens, he also loses his right to obedience. Most importantly, opposing him becomes a legitimate action. Therefore, obedience is limited and conditional, and moreover, it is reciprocal. If the concept of obedience to rulers in Islamic political thought is not considered bilaterally and is only approached from the perspective of the governed, accurate assessments will not be reached.

Consequently, in Islam, neither the state nor the head of state possesses an unquestionable sanctity or transcendence, nor does the head of state have unlimited guardianship and sovereignty over the people. His power is limited. Since he is not above or outside the law, like everyone else, he is accountable and must comply with the laws, and is equal before the law with other citizens. As previously stated, according to Islam, the position of head of state (imamate/caliphate) is essentially a contract made between the head of state and the people. Therefore, the head of state derives his legitimacy not from a sacred or divine power but from the agreement and consent between him and the people. According to this agreement, the head of state is both a representative and guardian of the people. His being a representative means that he acts on behalf of the people in administrative and national affairs. His role as a guardian entails protecting and caring for the people, looking after their welfare, treating everyone justly, and extending a helping hand to those in need. In this respect, the person at the head of the state is

not the master of the people but their servant, as indicated by the hadith, "The leader of people is their servant."¹¹⁴

3.5.4 Instructive Implementations

Pertaining to the subjects we have discussed so far, it is possible to cite numerous examples, especially from what we call the era of the complete caliphate, namely the period of the Rightly Guided Caliphs. Notably, the Rightly Guided Caliphs, in their sermons to the people, highlighted the limits of obedience. Similarly, the companions of the Prophet Muhammad never hesitated to oppose and criticize the Caliphs when they found their actions erroneous, considering it their duty to do so.

In the address after his selection, the first Caliph, Abu Bakr, is particularly poignant in defining the limits of obedience to a ruler. He said:

O People! My leadership does not imply my superiority over you. If I perform my duty correctly, support me. If I err, correct me. Obey me as long as I obey Allah and His Messenger. If I deviate from their obedience, you have no duty to obey me.¹¹⁵

On another occasion, Abu Bakr, addressing the people, said, "Keep me in check; follow me if I am on the right path and correct me if I stray."¹¹⁶

The second Caliph, Umar, asked his companions how they would react if he erred. A companion replied, "We would straighten you as an arrow is straightened," pleasing Umar, who responded: "Then you will remain true representatives of this nation."¹¹⁷

¹¹⁴ Shiruya b. Shahrada al-Daylami, *Al-Firdaws bi Ma'suri'l-khitab* (Beirut: Dar al-Kutub al-Ilmiyya, 1986), 2:324.

¹¹⁵ Abdul Malik bin Hisham (Ibn Hisham), *As-Siratun Nabawiyyah*, ed. Mustafa as-Saqa and Ibrahim al-Abyari (Cairo: Dar Ibn Kathir, 1955), 2:661.

¹¹⁶ Muhammad bin Sa'd (Ibn Sa'd), *Et-Tabakâti'l-Kübrâ* (Beirut: Dar Sadir, 1968), 3:182; 212.

¹¹⁷ Abu Abdullah Muhammad ibn Ismail (Al-Bukhari), *at-Tarikh al-Kabir*, ed. Mustafa Abdul Qadir Ahmad Ata (Beirut: Dar al-Kutub al-Ilmiyya, 1422/2001), 2:98.

Once, during a Friday sermon, Caliph Umar addressed an issue he observed in society, advising parents of daughters not to exaggerate dowries in marriages. An elderly woman stood up from the back rows and challenged him, "O Successor of Allah's Messenger! Are these your personal opinions, or are they based on a verse or hadith unknown to us?" When Umar confirmed these were his personal thoughts, the woman recited a relevant verse from Surah An-Nisa and opposed him, saying, "How can you forbid what God has permitted?" Umar listened respectfully to the elderly woman, conceded her point, and said: "Everyone is more knowledgeable than Umar!"¹¹⁸ This anecdote, occurring over 1400 years ago between a common elderly woman and a powerful state ruler, holds many lessons for modern democracies.

3.5.5 Civil Disobedience – Claim to Heaven

Another important aspect in political opposition, civil disobedience, and the pursuit of rights is to avoid remaining silent in the face of injustice and oppression and to freely express truth and justice in every setting. All citizens share this responsibility. This verse from Surah Al-Ma'idah, "Help ye one another in righteousness and piety, but help ye not one another in sin and rancour,"¹¹⁹ provides Muslims with a memorable principle applicable in all aspects of life. One must never remain silent about rulers' misdeeds and transgressions. Silence in the face of evil and oppression emboldens unjust rulers, but opposing their injustices and tyranny can prevent such evils from escalating. This is precisely what the verse conveys. In addition, this verse from Surah Hud, "And incline not to those who do wrong, or the Fire will seize you,"¹²⁰ warns believers not only against committing injustice but also against supporting it in the slightest.

¹¹⁸ Abu Bakr Ahmad bin al-Husayn (Beyhaki), *As-Sunan al-Kubra*, ed. Muhammad Abdul Qadir Ata (Beirut: Dar al-Kutub al-Ilmiyya, 2003), 7:380.

¹¹⁹ The Quran 5:2.

¹²⁰ The Quran 11:113.

Thus, it teaches Muslim citizens a very distinct stance to adopt in the face of rulers' injustices and tyranny.

In addition, the Prophet Muhammad said, "Help your brother, whether he is an oppressor or the oppressed," and when asked *how* to help the oppressor, he replied, "By preventing him from oppressing."¹²¹ This aligns with the Quranic principle that the *fitna* (trial) caused by oppressors' injustice will not be confined only to them but will harm the entire community, including the innocent.¹²² Another hadith reported in Abu Dawud states, "Indeed, when people see oppression and do not prevent it despite having the power to do so, it is very likely that the punishment of Allah will descend upon them all."¹²³ The Prophet has vividly illustrated the dire eschatological consequences of turning a blind eye to oppression. Another hadith reinforces this, with an ontological lens, stating, "When my Ummah (community) is afraid to say to a tyrant, 'You are a tyrant,' their existence is meaningless."¹²⁴ Indeed, in these texts, the individuals meant to be stopped from their oppression are primarily those in positions of authority, rather than ordinary citizens. In fact, the act of admonishing and warning leaders, which carries certain risks, has been declared by the Prophet to be of even greater virtue: "The best jihad is to speak the truth before a tyrannical ruler."¹²⁵ With this statement, the Prophet highlights the act of voicing truth and justice against oppressive leaders as not only a responsibility but also a significant righteous deed in the path of Allah. Speaking truth and living truthfully may be virtuous, but the political

¹²¹ Abu Abdullah Muhammad ibn Ismail (Al-Bukhari), *Al-Jāmi' al-Ṣaḥīḥ* (Beirut: Dar al-Kutub al-Ilmiyya, 1994), Mezalim:5.

¹²² The Quran 8:25.

¹²³ Sulayman ibn al-Ash'ath al-Sijistani (Abu Dawud), *Sunan Abī Dāwūd* (Beirut: Dar al-Kutub al-Arabi, n.d.), Malahim:17.

¹²⁴ Ahmed b. Hanbal, *Al-Musnad*, ed. Şuayb Arnavut (Beirut: Mu'assasat al-Risale, 2001), 11:73.

¹²⁵ Sulayman ibn al-Ash'ath al-Sijistani (Abu Dawud), *Sunan Abī Dāwūd* (Beirut: Dar al-Kutub al-Arabi, n.d.), Malahim:17; Abu Isa Muhammad ibn Isa (Al-Tirmidhi), *al-Jāmi' al-Ṣaḥīḥ Sunan al-Tirmidhi*, ed. Ahmad Muhammad Shakir (Beirut: Dar Ihya al-Turath al-Arabi, n.d.), Fiten:13.

action of speaking truth to power is both personally righteous but politically healthy, even necessary.

3.5.6 After the Rightly Guided Caliph – Bad and Good Examples

However, after the period of the four rightly guided Caliphs, with the rise of the Umayyads and increasing human failings, politics gradually became corrupted, and a once transparent and accountable governance became replaced by despotic rule. The meticulous governance, with consultation and accountability, of earlier times was lost. In response, some steadfast Islamic scholars demonstrated examples of individual civil disobedience against such tyranny and oppression. For instance, when Muawiya appointed his son Yazid as his successor and sought allegiance for him, some prominent companions like Abdullah bin Omar and Abdullah bin Abbas, despite immense pressure, refused to pledge allegiance to Yazid and vehemently criticized Muawiya's action because their leadership was neither just nor inclusive of consultation. Reportedly, when Marwan bin Hakam, attempting to gather allegiance for Yazid in Medina, portrayed the act as a Sunnah of Abu Bakr, Abdullah bin Abu Bakr sternly rebuked him, and said:

O Marwan! Both you and Muawiyah are liars. With this practice, you aim to transform the caliphate into a hereditary monarchy like that in Byzantium, where when an emperor dies, his son succeeds him.¹²⁶

At that time, prominent companions in the mosque such as Hz. Aisha, Hasan ibn Ali, Abdullah ibn Umar, and Abdullah ibn Zubayr also objected to Marwan and expressed their discomfort with Yazid's appointment.¹²⁷ Hasan al-Basri, highlighting this as a pivotal moment of deviation in Islamic governance, criticized Yazid's appointment as a breach of the Prophet Muhammad's

¹²⁶ Abu al-Hasan Ali bin Muhammad (Ibn al-Athir), *Al-Kamil fi't-Tarikh* (Beirut: Dar al-Kutub al-Arabiyye, 1997), 3:99-100.

¹²⁷ Ali bin Muhammad (Ibn al-Athir), *Al-Kamil fi't-Tarikh*, 3:99-100.

community's governance system.¹²⁸ Leaders should not become leaders only because of their lineage or family power, but because the wider community has affirmed them.

The refusal of Abu Hanifa to accept the position of judge offered by the Abbasid Caliph Mansur, leading to his imprisonment, and the persecution faced by Ahmed bin Hanbal for opposing Caliph Al-Ma'mun's doctrinal views, along with the mistreatment of great scholars like Ibn Aclan and Sufyan al-Thawri, illustrate that significant Islamic scholars during the Abbasid era opposed the unlawful and despotic practices of rulers and governors. These oppositional scholars rejected the political demands of the rulers, openly opposed them, and faced threats, imprisonment, beating, torture, and exile for their stance.¹²⁹ Imam Abu Hanifa, while openly rejecting the tyranny and injustices of the Umayyad and Abbasid caliphs, also refused to accept any gifts from these caliphs. This refusal was a conscious decision to neither endorse their unjust and erroneous practices, nor to confer upon them legitimacy in the eyes of the public. The eminent Islamic scholar chose to endure torture and imprisonment rather than accept these offerings.¹³⁰ Abu Hanifa, in his teachings, openly criticized the verdicts of judges who were close to the administration and refused to issue fatwas (Islamic legal opinions) in line with the desires of the rulers. For instance, on one occasion, Caliph Mansur consulted Abu Hanifa, along with Ibn Abi Layla and Ibn Shubrumah, for a ruling on executing a group that had rebelled against him. When Mansur asked, "They pledged allegiance to me on the condition of not rebelling, and yet they did. Doesn't this nullify their right to life and property?" Abu Hanifa first

¹²⁸ Jalaluddin al-Suyuti, *Tarikh al-Khulafa*, ed. Hamdi al-Demirdash (Beirut: Maktabat Nizar Mustafa al-Baz, 2004), 156.

¹²⁹ Ahmet T. Kuru, *Islam, Authoritarianism, and Underdevelopment: A Global and Historical Comparison* (New York: Cambridge University Press, 2019), 72.

¹³⁰ Mustafa Uzunpostaci, "Ebu Hanife," *TDV İslam Ansiklopedisi* (Istanbul: Diyanet Vakfı Yayınları, 1994), 10:131-138.

pointed out that the caliph had imposed an invalid condition (pledge of non-rebellion), and the people had accepted a condition they could not possess. Then, he refused to provide the desired fatwa to Mansur. Thus, according to Abu Hanifa, rising up against the existing administration when necessary is an inalienable right of the people.¹³¹

Ahmed Kuru notes that despite the Umayyad and Abbasid caliphs' claims to religious and political authority, Sunni scholars, except for Umar bin Abdulaziz, never recognized their religious authority.¹³²

Omar bin Abdulaziz, whose governance style differed markedly from the Umayyads, declared in his inaugural speech that obedience to a tyrannical ruler is not required, echoing the stance of his great-grandfather Umar:

I am not a legislator but an enforcer of God's decrees; not an innovator, but an obedient servant. I am not superior to any of you. My difference lies in the heavier burden I bear. Fleeing from an unjust ruler and not obeying him does not make one unjust, for there is no duty to obey anyone who disobeys God.¹³³

Accordingly, as understood from the above exegesis, the emergence of injustice and oppression, the restriction of fundamental human rights and freedoms, a political system's shift towards autocracy, the suspension of the rule of law, disregard for merit in appointments, and harm to national interests are circumstances where citizens, either individually or through organized efforts, have every right to criticize the current administration, adopt an opposing stance, and even engage in passive or active resistance. None of these democratic, political actions contradict

¹³¹ Mehmet Nadir Özdemir, "Abbasi Halifesi Ebu Cafer el-Mansur ve Ebu Hanife İlişkileri Bağlamında Ulema-Ümera İlişkilerine Bir Bakış" [A Look at Ulema-Umera Relations in the Context of Relations between Abbasid Caliph Abu Jafar al-Mansur and Abu Hanifa], *IV Uluslararası Şeyh Şaban-ı Veli Sempozyumu* (Kastamonu, Turkey: Kastamonu Üniversitesi Matbaası, 2017), 2:433.

¹³² Ahmet T. Kuru, *Islam, Authoritarianism, and Underdevelopment: A Global and Historical Comparison* (New York: Cambridge University Press, 2019), 41.

¹³³ Abu al-Fida Ismail bin Umar (Ibn Kathir), *Al-Bidaya wa'n-Nihaya* (Beirut: Dar al-Fikr, 1986), 9:199.

Islamic principles.

3.5.7 A Western Perspective

As mentioned in the first part, the notion of civil disobedience as exemplified by Socrates in ancient Athens holds profound significance for contemporary democratic societies. At the heart of this concept lies Socrates' revolutionary understanding of citizenship and his bold resistance to unchecked authority, as portrayed in *The Apology*. Socrates' redefinition of citizenship diverged from traditional Homeric ideals, emphasizing rationality and independent thought over blind allegiance to the state. This shift in perspective underscores the importance of critical thinking and personal discernment in civic life,¹³⁴ challenging citizens to engage in public affairs through a lens of reasoned judgment rather than passive conformity.

Socrates' approach to civil disobedience is multifaceted, as seen in his interactions in *The Apology* and *Crito*. In the former, he displays a principled stand against legal mandates, evoking images of later figures such as Thoreau. However, his apparent submission to legal authority in *Crito* introduces a nuanced understanding of his stance toward state power. Political scientist Steven B. Smith interprets this duality as a demonstration of Socrates' supremacy over Athenian laws, not through blatant defiance, but through a reasoned and honorable compliance. Socrates, in essence, becomes a law unto himself, embodying a form of civil disobedience that balances personal integrity with a respect for legal structures.¹³⁵

This interpretation of Socrates' actions is crucial for contemporary democratic approaches. It suggests that effective civil disobedience involves not only the courage to challenge unjust laws but also a deep-seated respect for the rule of law. This delicate balance is

¹³⁴ Steven B. Smith, *Political Philosophy* (New Haven: Yale University Press, 2012), 27-31.

¹³⁵ Smith, *Political Philosophy*, 34.

essential in modern democracies, where the protection of free speech and the right to dissent must coexist with a functional legal system. Socrates' life and death, particularly his philosophical sacrifice as interpreted by Smith, serve as a timeless beacon, advocating for the pursuit of justice and courage in political thought and action. His legacy, therefore, not only invites modern citizens to question and challenge authority when necessary but also to engage with their civic duties thoughtfully and honorably, fostering a more just and rational society.

3.5.8 Conclusion

Developing public awareness for rights, providing citizens with means to monitor and evaluate political actions and policies, and teaching the ways of resistance against oppression and tyranny are crucial for the formation of an active, participatory, and sustainable society. In such intentional and active societies, rulers are compelled to make more prudent decisions, curtailing their own authoritarian tendencies. Moreover, in communities where people are literate, politically engaged, can organize freely, amplify public opinion, and use personal agency, rulers cannot misuse their power, exploit state resources for personal gains, succumb to the corruption of power, or arbitrarily manipulate laws. Conversely, unconditional obedience leads to absolute submission and a dampening of intellectual and creative engagement. Societies locked in absolute obedience and submission cannot even conceive of their rulers as making mistakes, let alone opposing or questioning them.

Given that state administrators' decisions and policies directly impact citizens' futures, it is unsound for citizens to remain indifferent. No citizen should embrace unconditional obedience, mortgaging their intellect and will to others. Instead, they should ensure their thoughts are free and their consciences unbound, so they can participate in the wider civic endeavor, protect their fundamental rights and freedoms, and oppose any injustice and tyranny,

regardless of the perpetrator. The Quran succinctly states this stark reality: "Pharaoh reduced his people to a state of humiliation, weakness, and ignorance, and they subsequently obeyed him."

Especially in today's democratic systems, there are many peaceful and constructive ways to engage in opposition against the wrongdoings of those in power. From this perspective, if the preservation of human dignity and honor, the safeguarding of rights and freedoms, and the continuation of a humane way of life are desired, one must know that, in addition to applauding the good deeds of those in power, it is necessary to exhibit a critical stance and an opposing posture in the face of injustice and oppression. This should be seen as both a civic duty and a religious obligation.

3.6 Rule of Law

3.6.1 Introduction

The concept "state governed by the rule of law," succinctly refers to a state order where the state, in all its institutions, is subject to the law, ensuring legal security for the governed, protecting the fundamental rights of individuals against the state, and granting everyone the right to access independent courts. In other words, when referring to a state governed by the rule of law, the organization of the state in accordance with the principle of the rule of law is of primary importance. The complete domination of this principle in the legislative, executive, and judicial powers of the state should be apparent and consistent. For the legal state (a state governed by the rule of law) does not merely mean a state that possesses law; rather, it signifies a state where the law reigns supreme (and equally) over all persons and institutions. In this respect, in a state governed by the rule of law, the law forms the foundation, philosophy, and legitimacy of the

state apparatus, as well as delineating its boundaries and objectives.¹³⁶

These definitions reveal that the rule of law (the supremacy of law, *siyâdetu 'l-kânûn*) denotes the generality of the law in a state and the height of its authority. Generality here means the equal application of laws to everyone and equality before the law for all. In terms of being subject to the law, there is no difference between rich and poor, strong and weak, or rulers and the ruled. The singular authority of the law means that no one and no institution, including judges, lawmakers, religious leaders, or administrators, can have a privileged position before the law and cannot transcend it. Again, we look not whether a society has a written law, but what are the outcomes of how the law is practiced by leaders for the widest array of citizens in the society.

3.6.2 Goals

The principle of the rule of law, while understood as all citizens abiding by and being governed by legal rules, aims primarily to bind and limit the state and its rulers by law. It exists to prevent the unchecked and unmonitored exercise of sovereignty. It is to elevate legal principles above the state, bring the state under the control of laws, and legalize all actions of the state. It is to prevent possible infringements of rights against citizens who are relatively weak and vulnerable by the state apparatus, which holds the greatest power as the higher authority and has a monopoly on legitimate use of force. Because in a state governed by the rule of law, the supremacy of the law is essential, not the supremacy and the privileges of powerful individuals. Hence, the essence of the principle of the rule of the law is formed by the idea of protecting and prioritizing the individual against the state power, as emphasized in the previous section. In a state governed by the rule of law, the rights and welfare of individuals or groups can never be

¹³⁶ Mustafa Erdogan, "Hukuk Devleti," *İslâmî Araştırmalar Dergisi* 14, no. 2 (2001): 267-270; Mehmet Vural, "Hukukun Üstünlüğü Bağlamında Hukuk Devleti Anlayışı," *İslâmî Araştırmalar Dergisi* 14, no. 2 (2001): 272-276.

sacrificed for the welfare of the state. Innocent life and property cannot be violated for the supreme interests of the state. Even in a country where the rule of law prevails, the state's duty is not to “graciously grant” certain rights and freedoms. Rather, it is to secure the rights that they already possess as humans and citizens.¹³⁷

While Islamic scholars may not specifically center their work on the concept of "the rule of law," we can find numerous examples in the Quran and the Sunnah that serve as references to the principle of the rule of law. Moreover, the practices and applications of the Prophet and the Rightly Guided Caliphs are entirely based on the concept of the rule of law.¹³⁸ In this way, we draw direct comparisons between the reality of the rule of law (if not in name) and Islamic legal and leadership practices.

3.6.3 The Quran and the Sunnah

Allah Almighty, after commanding obedience to “those charged with authority” in the Quran, immediately states, "If ye differ in anything among yourselves, refer it to Allah and His Messenger, if ye do believe in Allah and the Last Day."¹³⁹ According to my understanding, it is a clear expression in the Quran demonstrating the principle of the rule of the law.

The verse, with the phrase “*fī şeyin*,” which means “any matter”- commands referring to Allah and the Messenger for the resolution of any disputes that arise between the rulers and the people. The purpose of referring to Allah and the Messenger in case of disagreement is actually a command to remain committed to law and judicial authority. One of the most significant features of the Quran and the Sunnah in Islam is their role as a source for legislative and judicial

¹³⁷ Naci Aslan, “Hukukun Üstünlüğü ve İslâm Hukuku” [The Supremacy of Law and Islamic Law], *İslâmî Araştırmalar Dergisi* 14, no. 2 (2001): 252-266.

¹³⁸ Michael Cook, *Ancient Religions, Modern Politics: The Islam Case in Comparative Perspective* (Princeton: Princeton University Press, 2014), 319-321.

¹³⁹ The Quran 4:59.

activities. Accordingly, from these expressions of the verse, it is understood that the resolution of disputes and disagreements between rulers and the ruled should be carried out by judicial authority, thereby indicating that the Quran points to a state governed by the rule of law and the principle of the rule of law.

An incident from the time of the Prophet involving a noblewoman who committed theft exemplifies this. When there were attempts to intercede for her forgiveness, he first stated that he would apply the same penalty even if it were his daughter Fatima, and then emphasized the principle of the rule of law with his remarkable statement: “What destroyed those before you was that when a noble among them stole, they would forgive him, and if a weak one among them stole, they would enforce the punishment.”¹⁴⁰ This incident highlights the principle of equality before the law, a key requirement of the rule of law.

Another incident involving the Prophet and a companion also serves as an embodiment of the principle of equality before the law, one of the most important requirements of the rule of law. Once, while distributing goods, the Prophet was pressed upon excessively by someone. Disturbed by this, he prodded the man with a stick he held, inadvertently causing a slight injury to the man's face. The Prophet then called the man to enact retribution (*qisas*). However, the man forgave the Prophet.¹⁴¹ Witnessing this, Caliph Omar commented, “I saw the Messenger of God allowing himself to be subject to retribution (*qisas*).”¹⁴² This clearly demonstrates that in Islam, no ruler or administrator, not even the Prophet, can have any superiority or immunity before the

¹⁴⁰ Abu Abdullah Muhammad ibn Ismail (Al-Bukhari), *Al-Jāmi‘ al-Ṣaḥīḥ* (Beirut: Dar al-Kutub al-Ilmiyya, 1994), Enbiya:51.

¹⁴¹ Sulayman ibn al-Ash‘ath al-Sijistani (Abu Dawud), *Sunan Abī Dāwūd* (Beirut: Dar al-Kutub al-Arabi, n.d.), Diyat:14.

¹⁴² Abu Abdurrahman Ahmad ibn Shu‘ayb (Al-Nasai), *Sunan al-Nasā’i*, ed. Abd al-Fattah Abu Ghuddah (Aleppo: Maktabat al-Matbu‘at al-Islamiyya, 1986), Kasame:23.

law.¹⁴³

Furthermore, shortly before his passing, Prophet Muhammad's words in a sermon to the public clearly indicate that a state leader should not have any privileges or special rights over ordinary citizens:

Verily, I am a human being. If I have spoken ill against anyone, let them claim their right from me. If I have caused harm with my hand, come claim your right of retribution. If I have taken anything from anyone's property, here is my property, come and claim your right. Know well that the most beloved to me is the one who claims their right from me or settles accounts with me, thereby ensuring my meeting with my Lord in a state of tranquility.¹⁴⁴

In these accounts, we see profound leadership balanced with equity in consequences and application of rules and consequences.

3.6.4 After the Prophet - the Rightly Guided Caliphs

After the Prophet, the principles of the Islamic legal state governed by the rule of law were also emphasized by the Rightly Guided Caliphs. Abu Bakr, after being elected as the Caliph, made a speech that laid out the fundamental dynamics of the Islamic state governed by the rule of law:

O People! My leadership does not imply my superiority over you. If I perform my duty correctly, support me. If I err, correct me. Obey me as long as I obey Allah and His Messenger. If I deviate from their obedience, you have no duty to obey me.¹⁴⁵

These impactful words of Abu Bakr, which affirm that he was no different from ordinary people, always subject to scrutiny and accountability in his duty, committed to treating everyone equally,

¹⁴³ Sulayman ibn al-Ash'ath al-Sijistani (Abu Dawud), *Sunan Abī Dāwūd* (Beirut: Dar al-Kutub al-Arabi, n.d.), Jihad:159; Abu Abdullah Muhammad ibn Yazid al-Qazwini (Ibn Majah), *Sunan Ibn Mājah*, ed. Muḥammad Fuad Abd al-Baqi (Beirut: Dar al-Fikr, n.d.), Diyat:31.

¹⁴⁴ Muhammad bin Sa'd (Ibn Sa'd), *Et-Tabakātū'l-kübrā* (Beirut: Dar Sadir, 1968), 2:196.

¹⁴⁵ Abdul Malik bin Hisham (Ibn Hisham), *As-Siratun Nabawiyyah*, ed. Mustafa as-Saqa and Ibrahim al-Abyari (Cairo: Dar Ibn Kathir, 1955), 2:661.

abiding by the law, and deriving his legitimacy from the law, and calling on the people to engage in political opposition, civil disobedience, and resistance when rulers deviate from the law, reflect a superior sense of justice and legal thinking that is rarely encountered even in today's modern democratic state structures.

Similarly, Caliph Omar's words at the beginning of his caliphate obviously outline that the main duty of a state leader is to implement the law: "Our duty is only to command what Allah has commanded and forbid what Allah has forbidden, and to apply Allah's judgments to all, near and far."¹⁴⁶ Caliph Omar's famous letter to Abu Musa al-Ashari expresses one of the most important requirements of a legal state, the principle of equality before the judiciary: "(In the court) treat people equally with your gaze, posture, seating arrangement, and justice, so that the person with a position in society does not expect to be favored, and the weak do not lose hope in your justice."¹⁴⁷ Indeed, Caliph Omar's words are a different expression of this hadith of the Prophet: "When one of you is appointed to judge among the people, he should treat them equally in attitude, gesture, and seating, -in another narration- he should not raise his voice against only one of the disputants."¹⁴⁸ Caliph Omar strictly adhered to the principles of justice and equality in his own conduct, principles which he fervently recommended to other governors and judges. His commitment to these virtues was not only in word but also in deed, serving as a sterling example for those in positions of authority. For instance, one day Ubayy ibn Ka'b sued Caliph Omar over a dispute with Zayd ibn Sabit. When they went to Zayd's house for judgment,

¹⁴⁶ Ala al-Din Ali ibn Husam al-Din Ali al-Muttaqi, *Kenzü'l-ummâl fî Süneni'l-akvâl ve'l-Ahvâl* (Beirut: Mu'assasat al-Risale, 1981), 16:164.

¹⁴⁷ Abu Bakr Ahmad bin al-Husayn (Beyhaki), *As-Sunan al-Kubra*, ed. Muhammad Abdul Qadir Ata (Beirut: Dar al-Kutub al-Ilmiyya, 2003), 10:229.

¹⁴⁸ Abu al-Hasan Ali bin Umar al-Daraqutni, *Sunan al-Daraqutni* (Beirut: Mu'assasat al-Risale, 2004), 5:365-366.

Zayd, considering Omar's position as Caliph, offered him a better seat. Caliph Omar, deeming this action unjust, sat next to the plaintiff. Then, as the defendant, Caliph Omar was required to swear an oath. When Zayd asked Ubayy to excuse the Caliph from the oath, Omar refused and took the oath. He then declared, "By Allah, Zayd should no longer hear cases if he does not treat Caliph Omar and an ordinary citizen equally."¹⁴⁹

In the annals of Islamic history, there are numerous instances where a head of state and an ordinary citizen stand on equal footing in the same court, and, depending on the case, the head of state is found at fault. Notably, during the Islamic era, the establishment of the *Mazalim* courts, serving as supreme courts, had a significant role. One of their primary functions was to address cases involving the unlawful decisions of the executive branch and administrators who abused their powers.¹⁵⁰

Michael Cook, a prominent scholar in Islamic history and Middle Eastern studies, highlights three main characteristics of the early caliphate era's approach to governance: (1) Opposition to patrimonialism (a system where the entire country is seen as the property of the king). (2) Rejection of despotism. This entailed the head of state coming to power through the people's choice and allegiance, the obligation to govern the state with consultation, and the loss of the right to obedience when stepping outside the legitimate framework. (3) A strong adherence to the principle of the rule of law.¹⁵¹

¹⁴⁹ Abu Bakr Ahmad bin al-Husayn (Beyhaki), *As-Sunan al-Kubra*, ed. Muhammad Abdul Qadir Ata (Beirut: Dar al-Kutub al-Ilmiyya, 2003), 10:230.

¹⁵⁰ Ali bin Muhammad bin Habib al-Mawardi, *Ahkam al-Sultaniyya*, ed. Ahmed Jad (Cairo: Dar al-Hadith, 2006), 75:148-156; 392-394.

¹⁵¹ Michael Cook, *Ancient Religions, Modern Politics: The Islam Case in Comparative Perspective* (Princeton: Princeton University Press, 2014), 319-321.

3.6.5 The Rule of Law and Judicial Independence – Civil Law Makers

Moreover, regarding the judicial independence which is the cornerstone of the rule of law, Wael b. Hallaq underscores that Islamic law (Sharia) was developed by highly individual and independent legal scholars (fuqaha), not scholars working for any single political leader or viewpoint.¹⁵² A review of Islamic history from its inception reveals that legislative activities were always conducted by civilian scholars (mujtahids) for many centuries.¹⁵³ In other words, Islamic law materialized as a result of independent scholarly endeavors by mujtahids, separate from the state. This aspect is crucial for judicial independence.

Particularly in the early periods of Islam, scholars who maintained a distance from rulers and preserved their independence primarily aimed to present accurate and equitable jurisprudential interpretations within the framework of the Quran and the Sunnah. Thus, neither the head of state nor other administrators had any interference or role in legislative and judicial activities. In this respect, the concept of the state enacting law is not a primary consideration in Islam; rather, it is the law that constitutes the state. In other words, the state derives its legitimacy from the law. The law is not dependent on the state; instead, the state is bound by the law. The duty of the state is to implement and protect the law. Just like ordinary citizens, the state and its officials are also obliged to adhere to the rules of law.¹⁵⁴ This perspective underscores the primacy of law over the state apparatus, ensuring that even those who govern are subject to the same legal principles as their constituents.

Therefore, it is evident that in the upright Islamic political understanding that we have

¹⁵² Wael B. Hallaq, *Shari'a: Theory, Practice, Transformations* (Cambridge: Cambridge Press, 2014), 18.

¹⁵³ Hallaq, *Shari'a: Theory, Practice, Transformations*, 18.

¹⁵⁴ Fethi Dureyni, *Hasais al-Tashri'i al-Islami fi al-Siyasah Wa'l-hukm* (Beirut: Mu'assasat al-Risale, 2013), 289-292.

tried to demonstrate through Quranic and Prophetic texts and early practices, the state's role is not to make laws but to justly implement existing laws. The development of legislative activities outside of state administration and the dominance of scholars in this field serve as a kind of safeguard against attempts by state authorities to tailor the law to their wishes. This is of great importance for the principle of the rule of law in this study. On the other hand, it is also crucial for the state to act as the guardian of values produced by civil society rather than being the sole determinant of values. This approach can help reduce tensions and conflicts between those in power and the public.

As we have tried to demonstrate with evidence and examples so far; the lack of differentiation between the governed and the rulers before the law, the denial of immunity for any administrator, the ease with which an ordinary citizen can sue the head of state, the emphasis on obedience to only the legitimate and just commands of the head of state, the establishment of public oversight against administrators, the principle of removing a head of state who opposes the law, the assertion that the state's purpose is to ensure justice and public welfare - all these regulations show that the state concept envisaged by Islam is entirely an ideal legal state governed by the rule of law.¹⁵⁵ Therefore, it can be said that although the concept of the rule of law emerged in the West, it is entirely consistent with what Islam envisages.

3.6.6 A State of Law – Police State

In essence, both in Islamic law and modern law, the purpose of law is to protect the weak against the strong. Where there is no law, the word of those who hold power and force prevails. Hence, the primary objective of a state of law is to protect the rights of citizens, who are in a

¹⁵⁵ Abdullah bin Ahmed bin Muhammad bin Qudamah, *Al-Mughni* (Cairo: Maktabat al-Qahirah, 1968), 8:283.

weaker position, against the state, which holds the highest authority in society. This aim is to prevent the state from using its power unjustly and arbitrarily. Similarly, in the state administration envisioned by Islam, there is no allowance for the state to become an unchecked power. The creation of laws by a ruling class for its own interests, the overstepping of bounds by administrators, and the violation of the rights and freedoms of citizens are all unequivocally prohibited.

Montesquieu, in expressing that those in power are inclined to misuse it,¹⁵⁶ and Lord Acton, in stating that power corrupts and absolute power corrupts absolutely, highlight a fundamental truth.¹⁵⁷ Thus, the most effective way to prevent state administrators from exploiting their power is to establish a state governed by the rule of law. The antithesis of a state of law is a "police state," where elites equipped with unlimited powers use state force arbitrarily. In such a country, legal security for the governed is non-existent, as no citizen's rights and freedoms are safeguarded against the arbitrariness of administrators.

In contrast, the principle of the rule of law envisaged by Islam rejects absolutist monarchies that turn people into servants or even slaves of other humans, authoritarian and totalitarian regimes that tightly control, shape, and exploit society, dictatorships where state resources are concentrated in the hands of certain individuals or groups, and police states ruled by tyrants with unlimited powers and arbitrary actions. In short, Islam stands diametrically opposed to the inhumane notion held by many despots and best expressed by the Brazilian

¹⁵⁶ Charles de Secondat Montesquieu, *The Spirit of Laws*, trans. and ed. Anne M. Cohler, Basia Carolyn Miller, and Harold Samuel Stone (Cambridge: Cambridge University Press, 1989), 156-167.

¹⁵⁷ Acton Institute, Acton Research: Lord Acton Quote Archive, *Power and Authority*, accessed December 28, 2023, <https://acton.org/research/lord-acton-quote-archive>.

dictator Getulio Vargas: "For my friends, everything; for my enemies, the law."¹⁵⁸

3.6.7 A Western Perspective

Aristotle, as mentioned in the first part, in his contemplations on the ideal society, places significant emphasis on the rule of law as a cornerstone for achieving the common good. He perceives a society governed by law as the epitome of justice and equality, essential for fostering the good life. Aristotle extols the virtues of the rule of law over individual governance, asserting that law represents reason devoid of desire, thus ensuring impartiality and preventing arbitrary decisions. He eloquently argues that the law guarantees equal treatment for all citizens, shielding society from the caprices of individual rulers, whether they be one, a few, or many.

Aristotle's insights are profound, particularly in the context of his era, which was marked by absolute rulers and tribal customs. His advocacy for the supremacy of law over individual judgment was revolutionary, laying the groundwork for the principles of modern constitutional governance. This advocacy underscores the importance of subjecting rulers to the constraints of law, thereby distinguishing lawful governance from despotism.

In contemporary democratic systems, Aristotle's emphasis on the rule of law remains profoundly relevant. It serves as a reminder that for a society to be just and equitable, it must be governed by laws that are founded on reason and impartiality, not swayed by individual whims or desires. The rule of law is instrumental in creating a stable and fair society, where citizens can aspire to lives of safety, access to education and health, and participation in the civic project. This principle ensures that even those in power are not above the law, thereby safeguarding against tyranny and arbitrary rule. In essence, Aristotle's advocacy for the rule of law as a

¹⁵⁸ Guillermo O'Donnel, "Why the Rule of Law Matters," *Assessing the Quality of Democracy*, ed. Larry Diamond and Leonardo Morlino (Baltimore: Johns Hopkins University Press, 2005), 11.

foundation for an ideal society provides a timeless framework for modern democracies, emphasizing the necessity of a legal system that is fair, objective, and immune to personal biases, thereby ensuring justice and equality for all.

3.6.8 Conclusion

In conclusion, it should be noted that one of the key reasons for significant advancements in the political, economic, and social lives of Western states today is their elevation of the law in state governance. On the other hand, in the Islamic world, one of the primary causes of agony among Muslims living under despots and dictators, enduring widespread oppression, human rights violations, and pervasive backwardness in various aspects of life, is the displacement of the rule of law by the rule of the ruling elites. Therefore, the task for contemporary Muslims should not be to expend their energy and efforts in dismantling modern state structures and attempting to establish utopian states. Instead, their focus should be on developing alternative methods and approaches within the existing state frameworks they inhabit. These alternatives should adhere to the fundamental sources of Islam, ensure the supremacy of the rule of law, provide justice for all, and consider the needs of modern societies. The challenges faced today are not due to the name, structure, or form of states, but rather their content, function, and philosophy. Hence, there is a need to shift and concentrate efforts and attention not on the superficial aspects of these issues, but on their core essence.¹⁵⁹

¹⁵⁹ Süleyman Uludağ, *Islam and Politics* (Istanbul: Dergah Yayınları, 2008), 44.

Chapter 4

ALTERNATIVE METHODOLOGIES AND SUGGESTIONS

4.1 Suggestion 1

Considering not only the Worldly Benefits and Advantages but also the Religious Needs and Demands of the People

4.1.1 Introduction

In Islamic terminology, the term “caliphate” refers to the state or the office of the head of state, and “caliph” denotes the head of state. Since they succeeded the Prophet Muhammad and represented his non-prophetic religious and political authority, state leaders in Islamic literature have been referred to as "Caliphs." Therefore, in Islamic political thought, the head of state bears and undertakes both political and religious responsibilities. As Al-Mawardi articulately stated, the Caliphate means succeeding the prophethood in protecting the religion (*hirasetü 'd-din*) and managing worldly affairs (*siyasetü 'd-diinya*).¹ Similarly, Al-Juwayni defined the Imamate (Caliphate) as a comprehensive leadership and competent model for administration that looks after both specific and general matters related to the protection of the country, governance of the people, prevention of oppression and deviation, supporting the oppressed against the oppressor, and ensuring that rights are taken from those who withhold them and delivered to their rightful owners, in matters pertaining to both religion and the world.²

Although the concepts of Caliph and Caliphate are fundamentally related to state

¹ Ali bin Muhammad bin Habib al-Mawardi, *Ahkam al-Sultaniyya*, ed. Ahmed Jad (Cairo: Dar al-Hadith, 2006), 15.

² Imam al-Haramayn al-Juwayni, *Ghiyath al-Umam fi Itiyas al-Zulam*, ed. Mustafa Hilmi and Fuad Abdulmunim (Alexandria, Egypt: Dar al-Dawa, 1400/1979), 15.

governance, when it concerns the Muslim community, responsible for living, preserving, and spreading Islam, the role of the Caliph should also be to formulate a governance approach in line with the desires and demands of the wider Muslim community in this direction. This means ensuring not only the worldly benefits and interests of the people but also their benefits and interests in the hereafter. This claim is quite different from the rhetoric and actions of political Islamists. They seek to redesign society from top to bottom in line with their individual human understanding by seizing power and state mechanisms. What is expressed here in this study is the shaping of the governance approach by the demands and requests of the Muslim citizens regarding their own religion. This is, in fact, a highly democratic and people-centered approach. Therefore, creating functional political structures in modern democracies that consider the religious needs and demands of the people, as an alternative model, is a matter that needs serious consideration.

Let's delve a bit deeper. The fundamental distinction of the Caliphate from other forms of governance is its relation to religion. Here, religion shapes not only the lifestyle of individuals and society but also the rulers and the state. Indeed, as important Islamic scholars like Al-Mawardi and Al-Juwayni have stated, the most significant duty and responsibility of the Caliph are to protect, spread, and implement religious decrees. Modern Islamic scholars such as Muhammad Imara and Abdurrazak as-Sanhuri, in their significant studies on the Caliphate, emphasize that both religious and worldly affairs should be carried out without neglect.³

Ibn Khaldun's explanations regarding the relationship between the law and those governed by it also highlight the close relationship between the Caliphate and religion:

³ Abdur Razzaq Ahmed as-Sanhuri, *Fiqh al-Khilafah wa-Tatawwuruha*, ed. Muhammad al-Shawi and Nadiya Abdur Razzaq as-Sanhuri (Beirut: Mu'assasat al-Risale, 2001), 80; Muhammad Imara, *Fi'n-nizâmi's-siyâseti'l-Islamiyye* (Cairo: Maktabat al-Imam al-Bukhari, 2009), 7.

The primary aim that the lawgiver (God) has for people is their happiness in the hereafter, and for this reason, everyone should be guided to act according to the decrees of religion in matters of this world and the hereafter. This type of governance is the job of the prophets who had the Shariah revealed to them and the Caliphs who carried out this duty after them... Ultimately, the Caliphate represents the delegation of the Prophet in safeguarding the religion and governing the world according to the religious requirements.⁴

For a nonreligious leader, ensuring the rule of law for the greatest good is ethical. For Muslim leaders, this requirement is heightened by this theological emphasis.

4.1.2 Not a Theocratic Form

However, it should immediately be stated that the concept of the Caliphate, closely related to religion, should not be mistaken for a theocratic form of governance. Theocracy implies a state governance based on religion and the intervention of religion in the state. Yet, it would be incorrect to claim that every state with some relationship to religion is theocratic in nature. Therefore, it is important to define the limits, form, and essence of this relationship.

Many non-Muslim political scientists today claim that the active role of Islam in political life would limit freedoms, cause rights violations, and thus lead to theocracy. To be honest, based on current, contemporary examples, their thesis is not entirely unfounded. In reality, the primary reason for the emergence of misconception and confusion regarding theocracy, is the inability to distinguish between the theory and practice of the Islamic governance system as prescribed in the essential texts, specifically as facilitated by individual humans seeking power, not in service to their own religious and ethical commitments. In other words, the challenges in differentiating theoretical principles from their practical implementation in the context of Islamic state administration, is the primary challenge. When looking at the fundamental principles in the

⁴ Abdurrahman b. Muhammed Ibn Khaldun, *Muqaddimah*, trans. Halil Kendir (Istanbul: Yeni Safak Yayınları, 2004), 1:270.

basic texts of Islam and the practices of its early period, it is clear that theocracy in the Western sense is not applicable given the ethical and collaborative requirements of Islam. However, when looking at historical practices especially after the period of the rightly guided caliphs and contemporary examples like Iran and Saudi Arabia, one can see a considerable inclination toward theocracy.

Theocracy is a form of governance where legitimacy is derived from God, and power and authority are based on divine source. Legitimacy has always been a primary goal for all political systems and leaders. State leaders and political regimes cannot establish dominion over the people and command obedience unless they express themselves on a legitimate and lawful basis. Religion is undoubtedly a most sacred and sublime source from which to derive legitimacy, which makes it popular and effective. Therefore, since the earliest times, many state leaders have tried to gain legitimacy by cloaking themselves in the garb of religion and basing their rule on a divine source, also precluding their actions from being questioned by claiming to govern on behalf of God. The common aim of theocratic systems is to place those in power and the state itself in an untouchable sacred position, thereby preventing all forms of questioning, disobedience, and opposition. Since decisions and actions believed to come from a "high and supreme authority" cannot be criticized.

Rulers who are supposedly deputies of God and exercise authority derived from God, naturally, will not bear any responsibility for their actions. They place themselves in a transcendent position, making their actions appear unquestionable. By attributing sanctity to themselves and considering themselves infallible, they legitimize their oppressions and injustices. Consequently, they always find justifications for their mistakes and wrongdoings. In

such a situation, nobody would dare to hold these tyrants accountable, who have seized not only political but even divine powers.

In short, theocracy is nothing, but totalitarianism dressed in religious garb. Leaders who base their legitimacy and legality on a divine source and cloak themselves in untouchable sacred armor find it easier to exploit their people and establish dominance over them. In theocratic regimes, rulers have turned religion into a convenient tool to obscure their oppressions and injustices and escape responsibility or criticism. The power and authority derived from religion surpass both material and state power. While it is possible to force people into certain actions through material power, it is not possible to convince them or rule their consciences. Only religion can achieve this.

The reason why the Western world rightly opposes theocracy and instead turns to a secular and laic state structure is due to centuries of painful experience. In a political regime where there is no transparency and accountability, where rulers are answerable to no one, and where dogmas rule over reason and science, it is impossible to achieve justice or protect basic human rights and freedoms. Therefore, the struggle against theocracy in the West is just. However, it is crucial to underline that this struggle is not against religion per se but against the bigoted church mentality that exploited religion for its interests, in the medieval era.

4.1.3 Not a Secular Form

On the other hand, a secular state that emerges in response to theocracy is born out of a reactionary movement. Therefore, as in all reactionary movements, balance has not yet been maintained here. An extreme in one arena has given rise to another extreme, and religion has been pushed out of politics and, in some cases, even from the public sphere. Some countries have perceived secularism as "anti-religious," leading political elites to adopt a totalitarian approach in

establishing secular regimes, often resulting in significant oppressions against their people. Consequently, religious and ethical freedoms have been threatened in the name of secularism, human rights have been violated, and the thoughts of individuals in society have been disregarded. Aware of this dilemma in the West, Alexis de Tocqueville, in his seminal work *Democracy in America*, emphasizes the indispensable role of religion in state governance. We recall that a religious spirit that leads to community participation, collaboration, and civic responsibility, as described by Tocqueville. When religious or ethical frameworks inspire and guide civic participation and collaboration, they can motivate and enliven democracy.

4.1.4 Islam and Theocracy

However, indeed, Islamic principles do not in any way necessarily pave the way for theocracy. As extensively discussed in the previous sections, a theocratic approach is fundamentally different from the Islamic concept of governance, which promotes accountability, justice, and the welfare of the community. Islam's emphasis on justice, community welfare, and the accountability of rulers to the governed, as well as its advocacy for consultation and consensus, offers a distinct model of governance that stands apart from—and even challenge—theocratic systems. For instance, it is not possible for the head of state to act on behalf of Allah, claim sanctity, and evade responsibility. Abu Bakr, the first Caliph after the Prophet, strongly objected to being called "the Caliph of Allah." If later sultans used this title to legitimize their actions, it was undoubtedly a deviation from Islamic principles.

In Islam, no one, including religious scholars and rulers, is considered superior to another. Islam does not grant privilege or immunity to any individual or group. Unlike in some other religious structures, there is no clerical class in Islam that possesses exclusive rights and claims authority in both spiritual and temporal matters. The only distinction of religious scholars

is their expertise in their field; they do not enjoy any special religious or political status in society. Scholars in Islam are civilians and do not interfere in governance. Therefore, in an Islamic society, all citizens, without distinctions such as ruler-ruled or elite-commoners, are equal before the law, accountable for their actions, and subject to punishment if found guilty. Islamic history, as explained in the previous section, is replete with instances where state leaders, like ordinary citizens, have been brought before judges and found guilty.

In Islam, there is no absolute obedience to any person or group, except to Allah and, in a sense, to His Messengers.⁵ Obedience is only in matters that are legitimate (*meṣrû*) and good (*ma'ruf*).⁶ Since no leader, including the head of state, is infallible in Islam, they can make mistakes, commit injustices, and put their interests ahead of the people's benefits. In such cases, they lose their right to obedience. When people perceive their leaders deviating from justice and righteousness, it is both a civic duty and a religious obligation to speak up and to fulfill their responsibilities, which can range from advising and warning to civil disobedience and outright resistance. This is because leaders are also subject to the Quranic command of "enjoining what is right, and forbidding what is wrong" (*emr-i bi'l-ma'ruf nehy-i a'ni'l-münker*).⁷ Indeed, the Prophet has deemed speaking truth in the presence of a tyrannical ruler as the greatest form of *jihad* (struggle).⁸

⁵ Abu Abdullah Muhammad ibn Ismail (Al-Bukhari), *Al-Jāmi' al-Ṣaḥīḥ* (Beirut: Dar al-Kutub al-Ilmiyya, 1994), Ahkam: 5; Al-Bukhari, *Al-Jāmi' al-Ṣaḥīḥ*, Ahkam: 43.

⁶ The Arabic term "*ma'ruf*" (معروف) translates to "known," "recognized," or "acknowledged" in English. In the context of Islamic teachings, it often refers to what is commonly known to be good, just, and in accordance with Islamic principles. It implies actions and behaviors that are universally recognized as virtuous and morally upright in the Islamic community. "*Ma'ruf*" is often mentioned in conjunction with its opposite, "*munkar*" (منكر), which means what is known to be evil or wrong.

⁷ The Quran 3:104; 110.

⁸ Abu Isa Muhammad ibn Isa (Al-Tirmidhi), *al-Jāmi' al-Ṣaḥīḥ Sunan al-Tirmidhī*, ed. Ahmad Muhammad Shakir (Beirut: Dar Ihya al-Turath al-Arabi, n.d.), Fiten: 13.

In Islam, governance is not a sacred right confined to a specific dynasty. Instead, leaders are chosen based on principles such as election, consultation (shura), and a participatory pledge of allegiance (bay'ah). Thus, political participation is fundamental in Islam, and rulers' legitimacy comes from the people, not God, and they govern with authority granted by the people, not on behalf of God. When leaders lose their competence or deviate from the law, they are removed either directly by the people or by a council of representatives (*ehlü'l-hal ve'l-akd*) chosen by the people.

Theocratic systems are a form of dictatorship. Therefore, where theocracy exists, freedom cannot be discussed. One of the primary purposes of sending prophets was to liberate people, to prevent human beings from being enslaved by others. Hence, in a context where people cannot freely exercise their will and choice, true religiosity cannot exist. Additionally, in a state dominated by theocracy, the violation of fundamental Islamic principles such as consultation, justice, rule of law, and meritocracy is inevitable. It is unimaginable that a leader who claims to govern on behalf of God would adhere to the important principle of consultation, value others' opinions, and strictly follow legal rules, including consequences for his or her own bad actions. When religion is transformed into a tool of oppression, after the oppressed themselves, it is primarily and most significantly the religion itself that will suffer the greatest harm. Therefore, the grave error of contemporary political Islamists, who aim to religiously indoctrinate the populace through the apparatus of the state they have seized, provides painful examples of a misunderstanding that continues to harm real communities. Today, some Islamic states claiming to uphold Islamic governance, yet tending towards theocracy, are in reality drifting away from the true essence of the faith.

4.1.5 Is Secularism an Inseparable Principle of Democracy?

What makes modern democratic systems significant is neither their secular structure, nor their stance towards religion, nor their exclusion of religion from social and political life. Rather, the ultimate objective intended to be achieved through democracy is to eliminate all forms of oppression and coercion, to ensure all rights and freedoms, and thereby to pave the way for peace and prosperity for the individuals living within the systems. If there is an effort today in the West, or in countries that consider secularism a prerequisite for democracy and interpret democracy according to their whims, to confine religion to individual consciences and exclude it from social life, it is due to two main reasons. First, the arbitrary and despotic practices of the [Christian] Church in the Middle Ages, which monopolized religious, economic, and political power and used it as a tool of oppression over individuals, societies, and even monarchies creates an impulse to avoid including overt religious practice within democracy.⁹ Second, the oppressive and restrictive religious understanding caused by political Islamists, radical organizations, and Salafi-jihadist structures in the Muslim world in recent centuries also precludes enthusiastic inclusion of Muslim practice in democratic systems.

The [Christian] Church's totalitarian practices, such as opposing reason and science, forcing people into Christianity or excommunicating (anathematizing) those they disapprove of, selling indulgences, and claiming worldly power to the extent of crowning kings and queens, have led to a backlash against religion in the struggle for democratization. In other words, the secular West, due to these painful experiences, has adopted the presupposition that all religions are inherently oppressive, coercive, and compelling. As Ali Bulaç stated,

In a society where a religious institution (church) and a religious class (clergy) claim divine and sacred rights over state governance

⁹ Ali Bulaç, *Din ve Siyaset* (Istanbul: İnkılap Yayınları, 2014), 53.

and politics, secularism is necessary to protect everyone's fundamental rights and to liberate politics. However, this has never been the case in the Islamic world. Neither in Islamic history nor in the contemporary Muslim world is there a religious institution or an organized clerical class claiming divine and sacred rights over the state.¹⁰

Some Muslim scholars, well-versed in the spirit of Islam, have attempted to explain that freedom, justice, equality, compromise, and tolerance are the essence of Islam; and that Islam opposes all forms of oppression and compulsion. However, distortions by Orientalists, narrow interpretations by political Islamists, poor representation of Islam by some Muslims, and authoritarian and totalitarian practices in some Islamic states have muffle these voices. Hereby, they have not been successful in changing the prejudices and negative perceptions about Islam. As a result, some have come to regard secularism as an inseparable principle of democracy to counteract the "potential dangers" posed by all religions, including Islam, in social and political life.

However, it must be reiterated that the problem is that Muslims are not practicing their religion in its entirety. In a true democracy, it is a fundamental right for a person to practice their religion (or not) as they wish. The real threat is that Muslims will not only practice their own religion but also impose it on others who are non-believers, non-religious, or of different faiths, thereby infringing on their freedoms. Consequently, some political thinkers, due to certain fears and concerns, advocate keeping religions, especially Islam, completely outside of public and political life when discussing democracy, feeling the need to preface it with "secular and laic." According to this claim, it is impossible to consistently secure rights and freedoms for all in a non-secular and non-laic democracy. However, this approach has, in our view, a great danger and a significant deficiency for modern democracies.

¹⁰ Bulaç, *Din ve Siyaset*, 53.

Acknowledging the influence of religious factors is essential in understanding our failure to achieve genuine democracy and the complete observance of religious practices among believers, including Muslims, Christians, Jews, and others. However, it is equally important to recognize that not all impediments to achieving these ideals stem from religious sources; secular dynamics significantly contribute to these challenges. These secular forces are often the deeper, underlying causes of religion's misapplication within democratic frameworks, obstructing the full realization of democratic values and religious fidelity.

For instance, the phenomenon of social media serving as an echo chamber represents a modern secular challenge. The rise of social media, with reactionary and rapid cycles of [mis]communication, has drastically altered communication patterns, frequently isolating individuals within echo chambers and even leading to radicalization. This isolation limits discussions to homogenous groups, overly magnifying their myopic beliefs while marginalizing moderate and divergent perspectives within their own or different religious or cultural communities worldwide. The term "echo chamber" effectively captures this situation, where individuals, secluded in their digital enclaves, encounter only reflections of their convictions. But without the clarity of open spaces (to continue the metaphor of the word “echo”), what is heard and experienced is inaccurate. Such insularity breeds extremism and erodes the diversity of thought crucial for democratic and religious practices. Despite its secular origins, social media's technological evolution plays a role in facilitating religious misuse in public discourse, disrupting and distorting the exchange of diverse ideas vital for a pluralistic society.

Moreover, the impact of capitalism, particularly the consumerism it promotes, cannot be overlooked. By fostering a culture focused on acquisition and materialism, capitalism shifts attention from collective spiritual and ethical values to individualistic and material goals. This

relentless drive toward consumerism promotes lifestyles at odds with the tenets of moderation and restraint foundational to many religious doctrines. Capitalism's emphasis on personal, material consumption and profit at the expense of spiritual and ethical concerns allows the misapplication of religion to thrive, sidelining spiritual values for material success and personal gain. In the U.S., we have even seen religious leaders marry their theological teachings with capitalism to create “prosperity gospels” or celebrations of material excess that are at odds with the specific religious teachings they claim to follow.

Additionally, the conduct of certain religious leaders warrants scrutiny. The integrity of religious teachings and their societal role may be compromised by the personal ambitions and egos of these leaders, a problem that crosses religious boundaries. When leaders place their personal goals and appetites above the authentic dissemination of their faith's teachings, they alter the core of their religion, potentially advocating interpretations that align with personal or political objectives rather than nurturing a true understanding and practice of the faith. Such distortions undermine the potential of religion to guide, set ethical standards, and unite communities within democratic societies.

In conclusion, confronting these secular challenges necessitates a comprehensive strategy that emphasizes technological literacy, cultivates economic systems that value ethical and spiritual principles, and promotes religious and ethical leadership dedicated to the authentic teachings and well-being of their communities. By directly addressing these secular factors, we can foster a society that more effectively harmonizes democratic principles with the rich ethical and spiritual insights provided by various religions.

4.1.6 A Western Perspective

Alexis de Tocqueville, in his study of American democracy, identifies the spirit of

religion as one of the key pillars that underpin its success. His observations reveal a distinctive harmony between religion and democracy in America, a contrast to the European experience where the two have often been at odds. Tocqueville was struck by the profound influence of religion upon arriving in the United States, noting its integral role in supporting not only political liberty but also religious freedom.

Tocqueville challenges the prevailing notion that modernization inevitably leads to the decline of religion. He views this potential decline as a grave error, warning that it might redirect the inherent human need for belief toward more dangerous ideologies. Tocqueville asserts, “Religion is more necessary in a republic and in a democratic country than in any other.” He argues that religion counters materialistic and self-interested tendencies and supports moral actions, which he doubts can be sustained solely by reason. While individuals might find moral guidance in reason, Tocqueville contends that this does not hold true for societies at large. He emphatically states that “Despotism can do without faith, but freedom cannot,” cautioning against the complete secularization of societies and emphasizing the crucial role of religion in providing a moral foundation for the freedom and responsibility integral to democratic life. His view that “...disbelief is an accident. Faith alone is the enduring state of humanity,”¹¹ points to a deeper understanding of human nature and the inherent need for belief systems that provide meaning, purpose, and moral direction. This perspective invites reflection on how contemporary democracies can integrate the positive aspects of religious belief while ensuring the freedom and equality that are the hallmarks of a democratic society.

In contemporary democratic frameworks, Tocqueville’s insights into the significance of

¹¹ Alexis de Tocqueville, *Democracy in America*, trans. Harvey C. Mansfield and Delba Winthrop (Chicago: University of Chicago Press, 2000), I:284.

the spirit of religion remain highly relevant. Religion, according to Tocqueville, plays an essential role in shaping the moral and ethical fabric of a society. In a democratic context, where freedom and individual rights are paramount, religion offers a moral compass that guides citizens in their exercise of freedom responsibly. It acts as a counterbalance to the excesses of individualism and materialism, fostering a sense of community and shared values. The spirit of religion in a democracy contributes to the *cultivation of virtues* necessary for the preservation of a free society, such as altruism, self-restraint, and a commitment to the common good.

Tocqueville's two-hundred-year-old perspective underscores the importance of religion in a functioning, flourishing democratic society. Religious or ethical commitment can provide a moral anchor in a sea of diverse opinions and behaviors, encouraging citizens to transcend their immediate self-interests in favor of higher ethical standards and communal well-being. This moral grounding is crucial in a democratic system where the power and rights of the individual are emphasized. Without such a moral framework, Tocqueville suggests, when individuals seek only their own glory and economic gain, democracy could become ungovernable, or worse, devolve into tyranny. There is much evidence of this potential consequence. So, as my study suggest a pathway toward an Islamic Democracy, it also demonstrates how the great experiments of the past in Islam have failed and how they had devolved into tyranny, as pointed out in the prior chapters. However, just as we note the path downward into selfishness, we believe that there can alternatively be a path upward toward the return of deeply Islamic, sacred community in the political sphere as in the time of the Prophet Muhammad and the Rightly Four Caliphs. Therefore, the spirit of religion is not just an optional element but a fundamental component that sustains the moral order and ensures the healthy functioning of a democratic society. In

considering the needs of diverse contexts and the promise of Islamic principles and teachings, we are invited to engage in leadership that can transform communities.

4.1.6.1 From *Democracy in America* to a Democratic Framework

At this juncture, it is essential to recognize Alexis de Tocqueville not merely as an incremental thinker but as a philosopher who interprets history through his observations. His discussions on the role of religion in democratic societies form a philosophical foundation for this dissertation. However, it is critical to clarify that these discussions do not constitute the dissertation's only brief; instead, they generate one of the conceptual foundations of this study. Tocqueville's assertion that faith is a constant in human existence highlights the importance of incorporating religious considerations into democratic frameworks. This insight serves as a crucial underpinning for this study, advocating for the inclusion of religious principles in democratic discourse. It also represents a key component of the theoretical framework guiding my analysis of Islamic democracy. Yet, it is important to note that while this philosophical perspective is fundamental, it does not represent the entirety of the analysis conducted in this research. Consequently, this study not only establishes a broad theoretical framework but also seeks to outline a concrete strategy and roadmap for integrating Islamic principles into democratic systems.

In summary, Tocqueville's exploration of the relationship between religion and democracy in America provides a valuable framework for understanding the complexities of this relationship in any democratic context. It highlights the importance of moral and ethical guidance in sustaining democratic freedoms and responsibilities, and it challenges contemporary societies to reconsider the role of religion in public life, not as a threat to democracy, but as a vital support to its fundamental principles.

At this juncture, however, it is imperative to underscore a pivotal aspect as follows. Tocqueville, writing in the 1840s, captured a moment in American history where religion, notably in its various revivals and awakenings, contributed significantly to the moral and civic fabric of the nation. His assertion that "religion is more necessary in a republic and in a democratic country than in any other" speaks to the foundational role he saw for religion in underpinning the ethical standards and communal wellbeing essential for democracy.

However, reflecting on the evolution of American religion and its intersection with politics over the last few decades reveals a complex and often troubling landscape. The rise of the so-called moral majority from the mid-1980s to the mid-1990s represented a period where evangelical Christianity sought to directly influence the political sphere, advocating for policies aligned with their religious beliefs. This movement, while grounded in a desire to enact faith-based principles in governance, foreshadowed a shift in the way religion came to be utilized within American politics.

The era leading up to and including the presidency of Donald Trump marks a significant departure from the earlier phases of religious engagement in politics. The term "evangelical" has been co-opted by factions within American Christianity that display a departure from deep theological grounding towards a more utilitarian approach to religion's role in public life. This shift has led to criticisms akin to those observed in certain Muslim-majority nations, where the pursuit of political power sometimes overshadows the adherence to truth, goodness, and the eternal nature of religious teachings. The willingness to compromise moral integrity for political gain marks a troubling trend in the use of religion within the political arena, reflecting a broader crisis of faith and morality in public life.

Considering these developments, it is critical to acknowledge the current state of Western

religion, particularly Christianity in America, as experiencing one of its most challenging periods in terms of its influence on politics and society. The corruption of religious ideals by the pursuit of power, whether through misinformation, monetary influence, or at times direct violence, mirrors some of the darkest aspects of religious manipulation seen globally. Recognizing this shift is essential for a contemporary critique of Tocqueville's observations, highlighting the need for a reevaluation of the role of religion in democracy. In doing so, it's important to articulate a vision for reclaiming the constructive potential of religion in public life, one that aligns with Tocqueville's ideal of religion as a moral anchor, while being acutely aware of the pitfalls that have beset its practice in recent times.

4.1.7 Religious and Ethical Values

Consequently, the point we wish to emphasize is that modern democracies do not adequately address the spiritual and eschatological needs of the people, nor do they sufficiently discuss their needs and demands for practicing their religion. This is largely due to the influence of positivist and rationalist philosophy on Western societies and democracies. The democratic experiences in the Muslim world are still in their infancy, and therefore, this issue has not been fully clarified, and suitable solutions for Muslim societies have not been developed—despite the fact that the ingredients are there. In democracies, it is essential that legal rules are formulated in accordance with culture, societal perceptions, and the customs and traditions of the people, with the potential for revision as reason and changes in culture necessitate new laws and customs. In other words, the most important "creative source" for laws is custom or tradition. Notably, the primary dynamic force shaping the common value judgments, culture, and customs of Muslim societies is the religion of Islam. Therefore, if legislative activity is conducted independently of or contrary to religion, the resulting laws will lack resonance in the public conscience.

Consequently, the enforcement power of state laws and regulations should be limited in society. In some cases, this may even lead to a dual legal system: "state law" and "Islamic law." Thus, in countries where religion and state are not in harmony and where the people's demands and expectations do not find expression in the political arena, it is impossible to build or maintain a true democracy.

It is also crucial to acknowledge the role of religion in ensuring societal peace and security, and in encouraging people to comply with rules of their own accord. The ethical understanding envisioned by Islam is broader and deeper than what is conceptualized as "moral values" or "ethics" in the modern sense. In Islamic ethics, the essence is in *being*, not merely appearing [to be ethical or faithful or just]. Therefore, continuity is key. A person who embodies good character maintains this both in public and in solitude, in moments of calm as well as in anger, and is not swayed to unethical behavior by harassment, provocations, or carnal desires. Otherwise, it indicates that ethics have not become an intrinsic part of human nature. The most significant motivational source for ethics to become inherent, is religion; it is piety (*taqwa*), accountability before God, mindfulness (*muraqabah*), and consciousness of beneficence (*ihsan*). Reducing ethics to mere social etiquette narrows its meaning, and explaining it solely through utilitarianism signifies a misunderstanding of its essence.

Similarly, Rousseau's conception of moral liberty constitutes a pivotal facet of his philosophical discourse, transcending conventional interpretations of ethics and freedom. Rousseau introduces the idea of moral freedom in the context of his broader discussion on the general will. This form of freedom, according to Rousseau, is not about unrestricted self-indulgence, but rather about adherence to self-imposed laws, a concept he views as true mastery over oneself. Rousseau contrasts this with the pursuit of desire, which he likens to slavery. In his

words, what is lost in the social contract is natural liberty and an unrestrained claim to everything one desires. What is gained, however, is civil liberty, ownership of possessions, and importantly, moral liberty, which he asserts is the only way a person can genuinely master themselves.

Rousseau states that while being driven solely by appetite is akin to slavery, obeying laws one has prescribed for themselves is the essence of freedom.

Rousseau's perspective significantly diverges from other political thinkers such as Hobbes, Locke, and the federalist authors. Unlike their views, where freedom is seen as actions beyond the reach of law, Rousseau posits that true freedom commences with the law. He emphasizes that freedom is actualized when individuals partake in creating the laws they follow, asserting that laws are legitimate only if all citizens directly contribute to their formation.¹² This stands in stark contrast to the notion of representation through elected officials, which is favored by other philosophers.

In contemporary society, the significance of Rousseau's doctrine of moral liberty is profound, especially when connected with concepts in Islamic traditions such as piety (taqwa), accountability before God, mindfulness (muraqabah), and consciousness of beneficence (ihsan). Moral liberty, as Rousseau envisions it, involves a deep internalization of law and ethics, resonating with the Islamic principle of taqwa, which is the conscious awareness and fear of God that guides one's actions. Similarly, the idea of being accountable before God aligns with Rousseau's view of self-imposed laws, emphasizing an internal moral compass over external enforcement. Furthermore, Rousseau's concept of moral liberty parallels the Islamic practice of muraqabah, which is the mindfulness and constant vigilance over one's actions and thoughts to

¹² Jean-Jacques Rousseau, *The Social Contract and Other Later Political Writings*, trans. Victor Gourevitch (Cambridge: Cambridge University Press, 1997), III:15.

align with divine guidance. This mindfulness ensures that one's actions are not merely compliant with external laws but are driven by a deeper, self-regulated moral understanding. Additionally, the concept of *ihsan*, which is performing actions with the consciousness of doing good and seeking divine perfection, echoes Rousseau's idea of moral liberty where the self-imposition of laws is motivated by an innate sense of justice and virtue, rather than external coercion.

In essence, Rousseau's doctrine of moral liberty, with its emphasis on self-regulation and internal moral governance, offers a valuable framework for societies striving for ethical and responsible citizenship. It advocates for a form of freedom that is deeply intertwined with personal moral development, reflecting principles similar to those found in Islamic traditions, where individual actions are governed by a strong sense of moral duty and consciousness. This framework not only fosters a more ethically aware society but also underscores the importance of individual responsibility in the collective well-being and moral progress of a community.

In today's world, where concepts are intermixed, secularized, and distanced from the enlightening atmosphere of religion, understanding and discussing the relationship between politics and ethics with a sense of shared values seems challenging. However, defining what is meant by politics and ethics and analyzing their relationship healthily is crucial to understanding Islam's stance on state governance. As previously emphasized, Islam does not prescribe a specific model for political system, regime type, or state administration. The Quran and the Sunnah provide general principles such as justice, consultation, the rule of law, assigning tasks to the competent, and ensuring order and stability. However, hundreds of principles and rules in Islamic ethics related to state administration can also be utilized to establish an ideal state governance.

4.1.8 Conclusion – a Balance Between Political Realism and Political Idealism

This study attempts to navigate the complex terrain between political realism and idealism, especially in the context of Muslim majority nations and the aspiration towards Islamic democracy. In other words, it is critical to highlight an essential tension: the balance between acknowledging the current geopolitical realities and the idealistic vision of what Islamic democracies could become. However, this study serving as a "roadmap" towards thriving Islamic democracies is particularly insightful, as it acknowledges both the potential and the challenges inherent in such a transformation. It endeavors not merely to articulate a vision but to propose a substantiated pathway towards the realization of Islamic democracies that are both reflective of Islamic principles and responsive to contemporary democratic ideals. This synthesis of idealism and realism is not only possible but necessary for the evolution of governance in Muslim majority nations.

Specifically, in other words, the critique of utopianism presupposes that the ideals of Islamic democracy are detached from practical realities, a notion that this chapter robustly contests. Drawing upon the rich tapestry of Islamic governance throughout history, including the era of the Prophet Muhammad, this chapter illustrates a historical precedent for the successful integration of Islamic principles within the governance framework. By analyzing these examples through a critical lens, this study identifies actionable steps and strategies that can be adopted to foster democratic principles in alignment with Islamic values. This approach underscores the argument that *the proposed roadmap is grounded in observable trends and practical considerations*, thereby mitigating any criticism of being overly idealistic.

As elaborated in the past chapters, there are principles of Islamic democracy that are both rooted in faith and capable of addressing contemporary challenges. They articulate a clear, step-

by-step strategy for how these principles can be implemented across different contexts, directly addressing the critique of utopianism by showcasing practical pathways for gradual reform. Therefore, this roadmap outlined is not a call for an overnight transformation but *a guide for gradual, context-sensitive reforms* that respect the unique cultural, social, and political landscapes of Muslim majority nations. This incremental approach demonstrates a deep understanding of the complexities involved in governance reforms and human participation, and reflects a commitment to realistic, achievable change. Thus, this work is not merely a utopian dream but a viable strategy for political and social transformation.

The invocation of Alexis de Tocqueville's observations, for example, on the harmonious relationship between religion and democracy in America serves as a comparative analysis to reinforce the argument that religion, including Islam, can play a constructive role in democratic societies. Tocqueville's insights into the moral and ethical foundations that religion provides to democracy echo this chapter's argument that Islamic principles can enrich and sustain democratic governance. By drawing parallels between Tocqueville's analysis and the potential for Islamic democracies, this chapter situates its arguments within a broader discourse on religion and democracy, further illustrating its applicability and relevance.

In conclusion, this study embodies a balanced approach, rooted in the realities of today's world while steadfastly aiming for an ideal yet attainable future. This study makes the compelling case that the pursuit of Islamic democracy, far from being a utopian fantasy, is a necessary endeavor for the faithfulness to religious principles and the enhancement of human rights and quality of life. By presenting a nuanced, evidence-based argument, this work effectively addresses these concerns, positioning itself as a thoughtful contribution to the discourse on democracy in Muslim majority nations and beyond.

4.2 A Second Suggestion: Education - Societal Awakening - Social Consciousness

4.2.1 Introduction

The renowned Andalusian Islamic scholar, Ibn Arabi, eloquently depicts the transformative process in the structure of the state and society within Islamic civilization through these words:

In the initial period of Islam, the rulers were scholars and the people were soldiers. This led to a well-functioning order. Then, these roles were separated: Scholars formed one group, the ruling elite another; the public (*raiyyah*) became one class, and soldiers another. Subsequently, matters became complicated and the condition of the Ummah deteriorated.¹³

In this statement, Ibn Arabi emphasizes, in his unique style, that the drift away from knowledge and competence, both in the administration and among the populace, was one of the key factors leading to the decline of Islamic civilization. This mirrors the insights of the classical Greek philosophers from centuries before who described human failings when they turned to individual gain and away from shared ethical commitments.

4.2.2 “You Will be Governed in the Way You Are.”

Thus, one of the fundamental principles of an ideal society is the formation of a community comprising educated, competent, and conscious individuals, both within its administration and its grassroots. Prophet Muhammad expressed this principle succinctly by saying, “You will be governed in the way you are.”¹⁴ This hadith implies that the form and nature of governance are actually shaped and determined by the people themselves. Generally, rulers tend to reflect the common characteristics of the society from which they emerge. Conversely, if a sense of justice and the consciousness to prevent oppression are not ingrained in

¹³ Ibn al-Ezraq, *Bada'i al-Silk fi Tabai al-Mulk*, ed. Ali Sami (Cairo: Dar al-Salam, 2008), 1:334.

¹⁴ Abu Bakr Ahmad bin al-Husayn al-Bayhaqi, *Shu'ab al-Iman*, ed. Abdulali Abdulhamid Hamid (Riyadh, Saudia Arabia: Maktabat al-Rushd, 2003), 6:22.

the members of a society, achieving an ideal social and political governance becomes exceedingly difficult. Therefore, the enlightenment, education, and awareness of both the rulers and the populace are indispensable for an ideal society and form of governance.¹⁵

The critical importance of an educated public for ideal governance is clearly articulated in the Quran, contrasting the actions of a historical figure known by this audience: “Thus did he [Pharaoh] make fools of his people [rendering them weak and ignorant], and they obeyed him.”¹⁶ As the verse suggests, a demeaned, weak, and ignorant populace is much more susceptible to blind obedience to their ruler. Thus, ideal and perfect governance is only possible with an ideal and perfect society. Moreover, if a society loses its consciousness to establishing justice and eradicating all forms of oppression, it becomes challenging to reform such a society, even with the power of governance and laws. Even if just and honest leaders come to power in such a society, they too will eventually succumb to corruption and misuse of power. However, as per the verse “Thus, have We made of you an Ummat justly balanced,”¹⁷ if a sense of justice is actively maintained in the collective conscience of a society, supporting, and aiding all who are oppressed and wronged, then even tyrannical leaders will lose the opportunity to exercise their despotic tendencies. Should they attempt it, they will face serious backlash from an empowered and conscious populace and be forced to retreat.

This is why Muslims believe Allah warns people in the Quran, “And incline not to those who do wrong, or the Fire will seize you,”¹⁸ and why the Prophet Muhammad persistently reinforced the sentiment of justice in hearts and awakened a reaction against injustice and

¹⁵ Taqi al-Din Ibn Taymiyyah, *Majmu' al-Fatawa*, ed. Abdurrahman bin Muhammad bin Qasim (Medina, Saudia Arabia: King Fahd Complex, 1995), 35:20.

¹⁶ The Quran 43:54.

¹⁷ The Quran 2:143.

¹⁸ The Quran 11:113.

oppression. For example, while he sought refuge in Allah from being unjust, suffering injustice, and violating or being violated in rights in his supplications,¹⁹ at the same time, actively commanded to prevent injustice and tyranny. In one of his hadiths, he instructed to help both the oppressed and the oppressor. When asked how to help the oppressor, he replied, “By preventing him from committing oppression.”²⁰ It is clear that actively preventing oppression is recommended here, and always.

The hadith recorded in Abu Dawud, “Certainly, if people see an oppressor and do not prevent him from doing so, it is likely that Allah's punishment will befall them all,”²¹ vividly illustrates the dire consequences of turning a blind eye to injustice. Another hadith highlighting the grave consequence of remaining silent in the face of tyranny states: “When my Ummah starts fearing to say to an oppressor, ‘You are an oppressor,’ their existence is of no value.”²² These teachings underscore the responsibility of every individual in a society to participate in fostering justice and actively stand against oppression. The well-being of a society is not only dependent on the integrity of its leaders but equally on the consciousness and moral courage of its people. The ideal governance and societal structure, therefore, hinge on the collective ethical and intellectual maturity of both the governed and the governors.

Therefore, it is crucial to acknowledge that for the concepts of a constitutional state, rule of law, equality, freedom, and democracy to take root and become functional, there must be a societal awakening, a deep-rooted legal consciousness among all capable individuals, and an

¹⁹ Ahmed b. Hanbal, *al-Musnad*, ed. Şuayb Arnavut (Beirut: Mu'assasat al-Risale, 2001), 5:191.

²⁰ Abu Abdullah Muhammad ibn Ismail (Al-Bukhari), *Al-Jāmi‘ al-Şaḥīḥ* (Beirut: Dar al-Kutub al-Ilmiyya, 1994), Mezalim:5.

²¹ Sulayman ibn al-Ash‘ath al-Sijistani (Abu Dawud), *Sunan Abī Dāwūd* (Beirut: Dar al-Kutub al-Arabi, n.d.), Malahim:17.

²² Ahmed b. Hanbal, *al-Musnad*, ed. Şuayb Arnavut (Beirut: Mu'assasat al-Risale, 2001), 11:73.

appreciation for fundamental rights and freedoms. In a country where the populace understands that adherence to the law is the greatest safeguard against tyranny and injustice, and sees the rule of law as an indispensable condition for a humane life, it becomes much harder for rulers to dominate over the people. In other words, in a country where the public is aware of and alert to the importance of law, arbitrary and unlawful actions by rulers will not go unchallenged, and people will bravely defend their rights and freedoms. In such a society, where public and social scrutiny exists, by all possible participants, the law will begin to prevail, and the state will become increasingly transparent and responsive.

4.2.3 The Only Permanent Solution: Public Enlightenment and Awareness

Otherwise, as Daron Acemoglu and James Robinson elaborate in their book *Why Nations Fail?*, in societies lacking such awareness and social consciousness, dictators dominate the fate of a nation. Once they establish political and economic exploitative institutions and enslave their people, a vicious cycle is created that is hard to break. German-Italian sociologist Robert Michels termed this the "iron law of oligarchy," according to which, even if a tyrant or dictator is overthrown, another will take their place, and despotism will continue to dominate the nation's fate until the systems that foster exploitation are eradicated. For example, many states that have freed themselves from colonialism continue to be exploited by the dictators that follow.²³ The only way out of this cycle is through public enlightenment, awareness, and increased participation.

Furthermore, in regimes that are inherently authoritarian or in democracies where despotic leaders eventually monopolize all power, the state, although nominally democratic, may

²³ Daron Acemoglu and James A. Robinson, *Ulusların Düşüşü: Güç, Zenginlik ve Yoksulluğun Kökenleri* [Why Nations Fail: The Origins of Power, Prosperity, And Poverty], trans. Faruk Rasim Velioğlu (Istanbul: Doğan Kitap, 2014), 344-352.

no longer be truly democratic. An oligarchic minority can silence all opposition, mute all dissenting voices, and suppress all criticism, becoming the sole arbiter of the state's fate and the people's future. All state mechanisms tasked with checking, limiting, and when necessary, penalizing the governance, may fall under the control of the ruling authority. Laws, legislatures, opposition parties, the judiciary, and the media might all become incapable of resisting the tyranny, oppression, and abuses of the power. As observed in many [so-called] second and third world countries, periodic elections are often insufficient to replace authoritarian rulers. This is because, in such countries, elections are not conducted transparently and democratically, preventing the true will of the people from being reflected in the results. Regardless of how the populace votes, the outcome typically favors the continuation of the incumbent regime. In such situations, expecting the state and its mechanisms to prevent tyranny and injustice, and to restore rights and justice, is futile. How then, can the people liberate themselves from oppressive and despotic rulers, who derive their legitimacy from the very people they oppress?

Perhaps to answer this question correctly and decide on helpful and necessary actions, one must consider the general status and state of the society. In this author's opinion, if there is no difference between the upper echelons and the grassroots of society, meaning that the oppressions, rights violations, and corruption at the state's pinnacle are also prevalent among the people, then there is little hope for a short-term solution. This is because even if the government changes in such countries, the new leaders, emerging from the same societal base, will likely follow in their predecessors' footsteps, continuing the same tyrannical governance. From this perspective, those who aim for a just, accountable state governed by the rule of law, where the public is more active, participatory, and able to oversee the administration, should focus on fostering a more educated and moral society. This involves undertaking comprehensive, long-

term, and functional projects in this area. Essentially, we need to start from the ground up. Key ingredients for such a project include building avenues for literacy and education for all (including children, women, minorities, and those with disabilities), providing social services to the general populace is housed, fed, and capable of participating fully, and ensuring choice in educational and vocational endeavors both so workers can share their talents and to foster a strong economy.

If a society comprises educated, conscious, and ethical individuals, the resolution of these social problems will be faster, more effective, and most importantly, more permanent, and sustainable. Especially in today's modern world, with various forms of media and rapid communication, and with members of one community being able to access tools and knowledge from others, it becomes challenging for a government to remain in power against the will of the people. The key is for the populace to be educated and brave enough to take the necessary steps when facing an unjust administration.

4.2.4 Not Only the Public but also the Rulers

However, it is not enough for the public to be conscious, aware, and educated. Equally crucial is for the ruling class to also be educated, competent, and conscious. Eleventh-century Muslim scholar and Quranic exegete Raghīb al-Isfahani notes that politics fundamentally comprises two types: the governance of oneself and the governance of others. He argued that those unable to govern themselves should not endeavor to govern others. According to him, before one can effectively lead others, one must first reform and manage oneself.²⁴ This concept has also been emphasized by certain philosophers in Western political philosophy.

²⁴ Husayn b. Muhammad Raghīb al-Isfahani, *Az-Zari'a ila Makarim ash-Shari'a* (Beirut: al-Muassasah al-Arabiyyah, 1980), 33.

A related prophetic tradition reinforces this notion: "Among people, there are two groups; if they are upright, others will follow suit, if they become corrupt, so will others. These are the rulers and scholars."²⁵ As this hadith indicates, the qualities and conduct of those in leadership positions will positively or negatively affect the entire society. For example, the Quran describes how the Israelites were initially surprised and doubtful when the Prophet David announced that God had appointed Talut as their king, questioning his lack of wealth. However, their prophet clarified that Talut was chosen because of his extensive knowledge and physical strength.²⁶ This verse also emphasizes that for leadership, knowledge and physical capabilities are prioritized over lineage or material wealth.

Similarly, Prophet Joseph, upon proposing himself to the king for the treasury's management, justified his suitability by saying, "I will indeed guard them [the treasuries], as one that knows (their importance) [*hafîz* and *a'lim*]."²⁷ Moreover, Prophet Solomon asked God for a unique kingdom unmatched by anyone after him,²⁸ and another verse revealed that he was granted, along with prophethood, both the ability of reasoning (wisdom) and knowledge.²⁹ It is also worth noting that these prophets are also esteemed in all three Abrahamic religions, so their capacities as leaders can inform religious and ethical leaders beyond Muslim settings.

Ibn Khaldun, Arab sociologist and historian from the Middle Ages, in addressing the qualifications for the position of Caliphate (head of state), stated that four conditions must be sought in a candidate. Khaldun firstly emphasized knowledge, and then added the requirements

²⁵ Ala al-Din Ali ibn Husam al-Din Ali al-Muttaqi, *Kenzü'l-ummâl fî Süneni'l-Akvâl ve'l-Ahvâl* (Beirut: Mu'assasat al-Risale, 1981), 10:191.

²⁶ The Quran 2:247.

²⁷ The Quran 12:55.

²⁸ The Quran 38:35.

²⁹ The Quran 21:79.

of justice, competence, and physical and sensory health.³⁰ Philosophers like Al-Farabi and Ibn Rushd, who delved into ethics and political philosophy, built upon these concepts, and consistently emphasized the importance of knowledge and wisdom in a ruler. They were influenced by Plato's idea that a ruler should be a philosopher, as a philosopher pursues truth, values knowledge and wisdom, and seeks to understand the true nature of things. Ibn Rushd, when listing the qualities of a state leader, first mentioned a natural inclination towards theoretical sciences, followed by a strong memory, sound judgment and understanding, and a willingness to pursue knowledge and its various branches, even if new knowledge revealed a need to do things differently.³¹

4.2.5 A Western Perspective--Plato and Aristotle

In his philosophical treatise *The Republic*, Plato articulates a vision of an ideal society, underpinned by the crucial role of education and personal growth. This vision, as noted by Rousseau in *Emile*, centers around the development of virtuous and superior individuals, not only as rulers but as citizens. Plato contends that a city, regardless of its structure, is destined to encounter strife unless it is governed by philosopher-rulers, individuals who combine the acumen of a thinker with the practicality of a leader. This perspective underscores the inseparable bond between leadership and wisdom, and the necessity of educating future leaders in both intellectual and moral virtues.

Rousseau's admiration of Plato's work highlights the Republic's role as a prototype for public education, focusing on the holistic development of citizens for significant roles in governance and society. Plato's analogy of the city and the soul suggests a symbiotic relationship

³⁰ Abdurrahman b. Muhammed Ibn Khaldun, *Muqaddimah*, trans. Halil Kendir (Istanbul: Yeni Safak Yayınları, 2004), 1:273.

³¹ Abu al-Walid Ibn Rushd, *Talkhis al-Siyasa* (Beirut: Dar al-Talia, 1997), 140.

where the individual and society mutually shape each other. This concept illustrates how societal values are reflected in its citizens, and vice versa, emphasizing the cyclical nature of societal development. The ideal city, according to Plato, is one that strives to cultivate outstanding citizens prepared for dialogue and participation, thereby forming the backbone of a harmonious and prosperous society.

Plato also places significant emphasis on the concept of personal soul reform. He advocates for the importance of personal growth as a cornerstone for societal transformation. For Plato, real change begins within the individual; political reform, though important, is secondary to the practice of self-discipline and personal development. This philosophy suggests that those aspiring to influence political change must first embark on a journey of self-improvement and moral refinement. In contemporary democratic systems, Plato's insights offer valuable lessons. The significance of access to education and personal growth in shaping an ideal society cannot be overstated. In democracies, where citizens are the pillars of governance and policymaking, the cultivation of well-rounded, morally upright, and intellectually capable and curious individuals is paramount. Plato's vision encourages modern societies to invest in education systems that not only impart knowledge but also foster critical thinking, ethical understanding, and civic responsibility. Such an approach not only prepares individuals for leadership roles but also ensures a populace capable of contributing positively to the democratic process, in whatever way they can, with whatever strengths they possess. In essence, Plato's philosophy serves as a reminder that the strength of a democracy lies not just in its institutions, but fundamentally in the character and wisdom of its diverse citizens.

Continuing the discourse on the pivotal role of education in shaping an ideal society, as expounded by Plato, it is imperative to consider Aristotle's complementary perspective on this

subject. Aristotle, paralleling Plato's views, accentuated the necessity of nurturing elevated moral virtues within the citizenry. He theorized that the quintessential attributes of an ideal polis are intrinsically linked to the virtue and active civic engagement of its citizens. Aristotle posited that a city's excellence and the attainment of human flourishing are contingent upon the presence of virtuous individuals within its populace. This stance underscores a philosophical doctrine where the moral and ethical development of citizens is seen as foundational to the prosperity and effectiveness of the political system.

In this context, Aristotle's philosophy extends the argument that contemporary political science often prioritizes structural and institutional aspects of governance, potentially neglecting the integral role of the citizen body and the ethical attributes that characterize it. The emphasis on structures, while critical, must be balanced with an equal focus on cultivating a citizenry endowed with moral integrity and civic responsibility. Aristotle envisages an ideal city not merely as an administrative or structural entity but as a collective of morally upright individuals whose active participation in civic life is essential for the realization of a virtuous and exemplary society. This approach advocates for a holistic view of political systems, one that integrates the importance of structural governance with the indispensable role of ethical citizenry in achieving societal excellence and human fulfillment.

4.2.6 Conclusion

Therefore, we can conclude that democracy is more than just a "form of government" or a "political method" outlining how to establish a governance hierarchy. It should be regarded primarily as a "perspective" and a "way of understanding" that shapes the form and substance of politics and governance. The esteemed Turkish scholar Ali Fuad Başgil made insightful observations about democracy:

Democracy is firstly a specific system of government and administration. Secondly, it represents a certain mentality, an education, a societal view, an atmosphere, and an environment. Ultimately, democracy is a spiritual value on human existence and an ideal that reaches for a higher quality of life and happiness.³²

According to this approach, democracy transcends being merely a form of governance; it is a philosophy of life, an ideal mission constantly seeking the betterment of humanity. Furthermore, according to this remarkable approach, the driving force behind the implementation of democracy in a society is the attitudes and thoughts of its members towards each other, and towards "others," "the different ones," and "foreigners." Therefore, in a society where its members fail to embrace democratic values, internalize true equality and freedom, and consistently perceive themselves as superior while disregarding others, the situation is problematic. In addition to these, if they fail to adopt values of social compromise, sharing, and coexistence, it becomes impossible for the concept of democracy to take root, grow, and become well established.

4.3 A Third Suggestion: The Real Source of Justice in Light of Revelation

4.3.1 The Most Fundamental Virtue and Principle: Justice

Justice is a fundamental need for all humanity, a value demanded not only by religion but also by reason, conscience, and the best of innate human nature. For centuries, masses have ardently sought and pursued justice in its various forms, as it is the primary condition for achieving a humane life, happiness, virtue, and a peaceful environment living within community. In a society devoid of justice, tyranny and injustice prevail, leading to disorder, chaos, and eventual collapse. In a society where justice reigns, everyone benefits from its blessings;

³² Ali Fuad Başgil, *Demokrasi Yolunda* (Istanbul: Yagmur Yayınları, 1961), 25.

conversely, in its absence, no one's life or property or well-being is safe. Fear, anxiety, and distrust dominate, and rational thinking diminishes. In such a society, the wealthy and powerful dictate terms by whim, laws are applied selectively against the weak, public order deteriorates, crimes increase, and arbitrary practices emerge, affecting the entire society gradually. Even those who maintain power and wealth through oppression and exploitation will eventually be crushed by their own tyrannical structures. This aligns with a hadith of the Prophet Muhammad, stating that Allah may grant respite to the oppressor, but once He takes him to account, there is no escape.³³

Justice is not only the most direct and secure path to satisfying the Creator and the creation, ensuring social peace, and fostering virtues like love, respect, solidarity, and sharing, but it is also essential for prosperity and the flourishing of countries. Tyranny (*zulm*), on the other hand, is like dynamite planted at the foundation of these values. Thus, rulers must continuously secure their futures by being just and risk both their worldly and otherworldly prospects by engaging in tyranny and injustice.

4.3.2 The Source of Justice – What is Just?

The critical question from our perspective is: What is the source of justice, so essential in individual and societal life? How do we determine what is just? By what measures and criteria do we judge the fairness of actions, practices, laws, and even judicial decisions? Laws and legal norms are not always just; they must achieve justice to be considered legal and just. Even legal and lawful political practices or judicial decisions may not be legitimate and just, as despotic rulers can manipulate laws for their or their affiliates' interests, a reality even in today's most

³³ Abu Abdullah Muhammad ibn Ismail (Al-Bukhari), *Al-Jāmi' al-Ṣaḥīḥ* (Beirut: Dar al-Kutub al-Ilmiyya, 1994), Tafsir-u Surah:5.

modern democratic systems.

Therefore, a state possessing only a positive legal system does not truly constitute a rule-of-law state. History has shown that regimes like Nazi Germany or Soviet communism had their own positive legal systems, yet they were not rule-of-law states. In such states, where despotic rulers oversee seemingly democratic systems, existing laws and legal norms might not always be just. True justice in laws and norms requires more than legality; it demands fairness for all, especially the most marginalized, as the ultimate aim of law is to achieve justice. Hence, a state's laws and actions must be legal and just to be legitimate.³⁴

Returning to our initial inquiry: What is the true source of justice? How do we ascertain what is truly just, and by which standards and criteria? Scholars, depending on their philosophical, legal, or ideological perspectives, have proposed various answers. Some argue that the authority to determine justice lies with those in power, while others contend it belongs to all citizens. Proponents of natural law and human reason suggest that adherence to natural laws and rational thinking will naturally lead to true justice. According to them, the source of justice is the laws of nature and human intellect. Positivist jurists, moreover, viewing justice as an indefinable metaphysical concept, base their understanding on existing legal rules, equating justice with adherence to current laws.³⁵ Others assert that justice can be achieved through rational-scientific methods, while some emphasize the centrality of the concept of “right” in determining justice. Yet, there are also some outlier views like those of Hans Kelsen, who

³⁴ Saffet Köse, “İslâm’da Hukuk Devleti İlkesinin Dinamikleri” [The Dynamics of the Rule of Law Principle in Islam], *İLAM Araştırma Dergisi* 1, no. 2 (1996): 12.

³⁵ Kemal Gözler, “Tabîî Hukuk ve Hukukî Pozitivizme Göre Adalet Kavramı”, *Muhafazakâr Düşünce* [Conservative Thought], no. 15 (2008): 77-90.

consider absolute justice an irrational ideal and its knowability a perpetual human illusion.³⁶

Similarly, the approaches of John Rawls, who sees justice as the primary virtue of social institutions and necessary for resolving communal living issues,³⁷ and Alasdair MacIntyre, who emphasizes virtues and believes justice varies according to the realities and values shaped by each tradition, are limited in scope.³⁸

4.3.3 Objective Justice: More Tangible and Concrete

I argue that regardless of which perspective is adopted, the issue of justice cannot escape subjectivity. What is deemed just by some may be seen as oppression by others, as human reason participates at the core of all these views. However, there is no higher authority to test the fairness of these rational judgments in modern thought. Moreover, it is challenging to consider reason independently from the cultural, worldview, and social perceptions in which it is embedded. From this perspective, we assert that while reason is a significant means to many truths, it is prone to errors and misjudgments without divine revelation's support. Hence, in the Quran, Allah not only commands justice but also lays down its measures and rules through His prophets. In other words, justice becomes tangible and concrete when combined with the guidance of the Quran and the Sunnah. Therefore, divine revelation as a higher intellect above human reason becomes the true source of justice, offering a more objective criterion and resolving the confusion and debate over what constitutes true justice.

To illustrate with an example, according to human reason, sacrificing some individuals

³⁶ Hans Kelsen, "Adalet Nedir?" [What is Justice], *TBB Dergisi* [Turkish Bar Association Journal], trans. Ali Acar, no. 107 (2013): 431-454.

³⁷ John Rawls, *A Theory of Justice* (Cambridge, Massachusetts: The Belknap Press of Harvard University Press, 1971), 74.

³⁸ Alasdair MacIntyre, *Whose Justice, Which Rationality* (Indiana: University of Notre Dame Press, 1988), 34.

for the greater good or the welfare of the majority may sometimes, shortsightedly, seem right and just. This issue has long been debated in both Western and Eastern political theories, often concluding that individual rights can be sacrificed for the welfare of the majority. However, the Quran explicitly condemns such actions as a horrendous form of oppression in the verse, "...if anyone slew a person -unless it be for murder or for spreading mischief in the land- it would be as if he slew the whole people..."³⁹ In Islam, there is technically no difference between the life of one person and the life of all humanity. Thus, with this verse, the Quran sets a fundamental principle regarding justice, putting an end to subjective interpretations and discussions on this matter.

4.3.4 The Core Principle in Islam: Justice

If asked about the fundamental principles of state governance in Islam, the answer would undoubtedly involve justice, consultation (shura), and the rule of law. Considering that the ultimate aim of both consultation and the rule of law is to achieve justice, it becomes clear that justice is the core principle in this context. Furthermore, as indicated in the verse, "We sent aforetime our messengers with Clear Signs and sent down with them the Book and the Balance (of Right and Wrong), that men may stand forth [maintain their affairs] in justice,"⁴⁰ the realization of justice is the primary objective of all divine religions.⁴¹ In other words, the main purpose of humanity's role as "vicegerent[s] on earth"⁴² is to establish justice. Since justice plays a key role in fulfilling religious and worldly duties, maintaining social order, and upholding the sacred rights in Islam, the Quran commands justice in all circumstances, regardless of the cost.

³⁹ The Quran 5:32.

⁴⁰ The Quran 57:25.

⁴¹ Muhammad bin Abu Bakr Ibn Qayyim al-Jawziyya, *At-Turuq al-Hukmiyya fi al-Siyasat al-Shar'iyya* (Mecca, Saudia Arabia: Dar al-Alam al-Fawaid, 1428/2007), 1:246.

⁴² The Quran 2:30.

For instance, the Quran instructs to uphold justice even against enemies or opponents:

O ye who believe! stand out firmly for Allah, as witnesses to fair dealing, and let not the hatred of others to you make you swerve to wrong and depart from justice. Be just: that is next to piety.⁴³

In the Surah An-Nisa (fourth chapter) of the Quran, a verse explicitly commands the adherence to justice, even if it results in an outcome adverse to oneself or one's closest relatives:

O ye who believe! Be ye staunch in justice, witnesses for Allah, even though it be against yourselves or (your) parents or (your) kindred, whether (the case be of) a rich man or a poor man, for Allah is nearer unto both (them ye are). So follow not passion lest ye lapse (from truth).⁴⁴

Additionally, the Quran, through the verse, "Allah forbids you not, with regard to those who fight you not for (your) Faith nor drive you out of your homes, from dealing kindly and justly with them: for Allah loveth those who are just,"⁴⁵ instructs believers to be just to everyone, regardless of religious or faith differences. This commandment is further reinforced in the verse from the Surah Al-Ma'idah (the fifth chapter of the Quran), which states, "If thou judge (regarding the cases brought by the Jews), judge in equity between them [with justice]. For Allah loveth those who judge in equity [act justly]."⁴⁶ Both verses unequivocally emphasize the importance of upholding justice in all interactions, even in diverse contexts, a principle deeply rooted in Islamic teaching.

These examples highlight that there can be no justification or exception for violating justice. It is a divine measure that must be adhered to in all situations, whether in peace or war, towards friends or foes. Justice is an irreplaceable divine standard. Furthermore, in assessing the compatibility and excellence of a political system with Islamic principles, justice is the foremost

⁴³ The Quran 5:8.

⁴⁴ The Quran 4:135.

⁴⁵ The Quran 60:8.

⁴⁶ The Quran 5:42.

criterion. This includes justice in legislation, adjudication, appointments, and income distribution, etc. The verse, "O David! We did indeed make thee a vicegerent on earth: so judge thou between men in truth (and justice): Nor follow thou the lusts (of thy heart), for they will mislead thee from the Path of Allah,"⁴⁷ emphasizes that the primary duty of a ruler is to administer justice. Accordingly, the consensus among Islamic scholars is that divine revelation is the true source of justice, and adherence to the Quran and the Sunnah is essential for its realization. For believers, every command in the scripture is a manifestation of justice in a formal and concrete form.⁴⁸ Similarly, Muhammad Abu Zahra has stated that all Islamic rulings are based on the principle of justice.⁴⁹ So, when viewed from this perspective, the contemporary legal debate on the fairness of laws can find a more objective solution in the light of divine revelation. Here, it is also worth emphasizing the following point in relation to our topic: Recognizing divine revelation as the true source of law and justice offers an alternative perspective on the rule of law and judicial independence.

4.3.5 The Lack of Modern Solutions

The principle of the rule of law primarily aims to limit state power and bind all state actions to the principle of lawfulness. However, it faces significant challenges. Expecting a state that legislates its own laws to comply with them is a naive expectation. What guarantees that a state with the power to determine constitutions and laws will enact just laws protecting fundamental rights and freedoms? Who will prevent the enactment of unjust and undemocratic laws by the state? What dynamics will prevent those in power from pursuing their interests in

⁴⁷ The Quran 38:26.

⁴⁸ Muhammad Abu Zahra, *Al-Mu'jizat al-Kubra al-Quran* (Cairo: Dar al-Fikr al-Arabi, 1430/2008), 308-310.

⁴⁹ Abu Zahra, *Al-Mu'jizat al-Kubra al-Quran*, 308-310.

legislation or amending existing laws? How can we ensure that the constitution, seen as a guarantee for just laws, is itself just?

In the contemporary structure of the state, the principle of separation of powers among the legislative, executive, and judicial branches is embraced, adopting the logic that "power checks power." By establishing constitutional courts and subjecting legislation to judicial scrutiny, measures have been taken to prevent abuses in the legislative domain in many contemporary examples. However, one might wonder if these measures are sufficient.

Additionally, those questions arise: How just is it for certain individuals, who are essentially equal to other members of society, to have the authority to make laws that dictate the lifestyles of others and impose various commands and prohibitions? Does the public's submission to the will of lawmakers, who are prone to errors, weaknesses, and self-interest, not enslave them? Moreover, is the law merely an instrument through which the dominant class in different eras and societies controls and governs the people in accordance with their own interests?

Some jurists and political philosophers have sought refuge in the concept of natural law, asserting that individuals inherently possess certain inalienable rights and freedoms, existing prior to the state, and that the state should be limited by these rights. Proponents of natural law argue that these inviolable and fundamental rights of humans define the boundaries beyond which state power cannot extend, thus framing it.

Other jurists, in attempting to escape the aforementioned dilemmas related to legislative issues, have turned to social realities as the source of law. In their view, state activities merely formalize and enact the customs and traditions already present among community members. In other words, law arises independently within the consciousness of community members and

binds the state itself. These jurists have strived to liberate the law from the arbitrary decisions of rulers by finding a basis for it outside the mere will of the state.

4.3.6 What is the Real Solution?

However, in my opinion, these secular methods and legal theories often fall short in preventing the arbitrary use of power by the state. This kind of theoretical knowledge is difficult to translate into practice and is not always practical. The creation of just laws by humans, who possess limited reason and knowledge, are susceptible to external influences, and cannot escape their desires, is ultimately challenging. The Creator, who best understands humans in their inner depths, material and spiritual needs, and relationships with others, is acknowledged in Islam as the sole source of true law and justice, and consequently, of legislation. Thus, the principle of the rule of law in Islam rests on a much firmer and more objective foundation— divine revelation through Allah and His Prophets.⁵⁰

In addition, regarding the independence of the judiciary, the divine origin of law in Islam offers a significant advantage. A review of Islamic history reveals that, from its inception, legislative activities were primarily conducted by civilian scholars (mujtahids), independent of political authority.⁵¹ Islamic law emerged as a result of these scholars' academic efforts, interpreting the Quran and the Sunnah without political interference. The primary goal of these scholars, especially in the early Islamic period, was to formulate jurisprudence in accordance with God's will, free from any interference or role of state leaders or other administrators.

In this aspect, in Islam, the state does not dictate law; rather, law constitutes the state. In

⁵⁰ Adnan Koşum, “İslâm Hukuk Doktrinde Hukuk Devleti ve Hukukun Üstünlüğü” [The State of Law and the Supremacy of Law in Islamic Legal Doctrine], *Dokuz Eylül Üniversitesi İlahiyat Fakültesi Dergisi*, no. 16 (2002): 235-263; Saffet Köse, “İslâm’da Hukuk Devleti İlkesinin Dinamikleri” [The Dynamics of the Rule of Law Principle in Islam], *İLAM Araştırma Dergisi* 1, no. 2 (1996): 7-52.

⁵¹ Wael B. Hallaq, *Shari'a: Theory, Practice, Transformations* (Cambridge: Cambridge Press, 2014), 18.

other words, the state derives its legitimacy from the law. Law is not dependent on the state; the state is bound by the law. The state's role is to implement and protect the law. Like ordinary citizens, the state and its officials are obliged to adhere to legal rules. They have no authority to alter or abrogate divine laws.⁵² This approach, inherent in Islam, in my opinion, demonstrates a level of judicial independence and principle of the rule of law that is rarely encountered even in contemporary modern political systems.

The work of mujtahids in enacting rulings primarily involves interpreting and deriving rulings from the Quran and the Sunnah, and resolving issues not directly addressed in these texts in light of their teachings. Thus, legislative activity in Islam is fundamentally derived from divine revelation and is civilian in nature. Moreover, the relevance of Islamic laws extends beyond this world, with Muslims being accountable in the hereafter for their adherence to these laws. This adds significant gravity to legal rules in the eyes of Muslims, as non-compliance carries both worldly and spiritual consequences. This autonomous system encourages individuals to consistently operate within the framework of law, thereby constructing a *de facto* state of law themselves. As previously mentioned, similar to the perspective articulated by Tocqueville, this aspect underscores the profound significance of these principles.

4.3.7 A Similar Western Approach

4.3.7.1 Aristotle

Aristotle highlights that “Law insures, the equal treatment of all citizens and prevents arbitrary rule at the hands of the one, the few, or the many.”⁵³ And his following instruction sheds light on our subject:

⁵² Fethi Dureyni, *Hasais al-Tashri'i al-Islami fi al-Siyasah Wa'l-hukm* (Beirut: Mu'assasat al-Risale, 2013), 289-292.

⁵³ Steven B. Smith, *Political Philosophy* (New Haven: Yale University Press, 2012), 82.

One who asks the law to rule, is held to be asking God and intellect alone to rule while one who asks man, asks the beast. Desire is a thing of this sort, and spiritedness perverts the rulers and the best men, hence law is intellect without appetite. Even the best men, can be perverted by spiritedness. Law is the best hedge we have against the domination of partiality and desire.⁵⁴

Aristotle demonstrates a profound understanding of the rule of law, emphasizing its crucial role in ensuring justice and equality while safeguarding against arbitrary rule. The key theme in this assertion, most importantly, is the contrast between the fallibility of human judgment and the objective, impartial nature of law, which Aristotle elevates to a divine status. When Aristotle posits that asking for the law to rule is akin to asking for the governance of God and intellect, he alludes to the ideal of the law as an embodiment of reason, untainted by human desires and emotions. This perspective highlights the law's capacity to transcend human weaknesses such as partiality, desire, and spiritedness. In Aristotle's view, even the most virtuous individuals are not immune to these frailties. Thus, law functions as an impartial, objective arbiter, devoid of the appetites that often lead to biased and unjust decision-making.

The significance of an objective divine law in the context of the rule of law, according to Aristotle, lies in its role as the cornerstone of a just society. By ensuring equal treatment of all citizens, law acts as a bulwark against the potential abuses of power by any individual or group, be it a single ruler, an elite few, or even the majority. The divine aspect of law in Aristotle's thought is not necessarily religious but rather represents the highest form of reason and justice, an ideal standard that human-made laws should strive to emulate.

In contemporary democratic systems, Aristotle's insights underscore the importance of establishing laws that are based on reason and fairness, rather than on the shifting whims and

⁵⁴ Aristotle, *The Politics*, trans. Carnes Lord (Chicago: University of Chicago Press, 1984), 1287a.

desires of those in power. Such a legal framework ensures that personal biases, emotions, and interests do not compromise justice. It also reinforces the notion that true justice is universal and should apply equally to all members of society, regardless of status or power. Thus, an objective divine law, in the Aristotelian sense, forms the bedrock of the rule of law, ensuring that societies are governed not by the arbitrary wishes of the few but by principles of reason and equity that uphold the common good.

4.3.7.2 Alexis de Tocqueville

In addition, Alexis de Tocqueville, in his seminal work *Democracy in America*, delves into the intricate dynamics of modern democracies, particularly addressing the critical issue of the "tyranny of the majority." His analysis sheds light on a fundamental concern in democratic societies: the potential for the majority to oppress minority groups. Historically, democracy was often viewed as a system where the larger section of society could suppress the minority. The Federalist authors, in response, proposed a "republican government" as a solution, focusing on expanding the scope of governance and increasing the number of factions to prevent any single group from maintaining prolonged dominance.⁵⁵ The U.S. Constitution, with its preamble "We the People," embodies this approach, emphasizing the importance of the majority while instituting mechanisms to limit their overarching control to support flourishing and even participation for those in the minority. The Federalists' strategy of segmenting power, establishing a representation system, and instating checks and balances aimed to mitigate the risk of majority dominance.

However, Tocqueville expressed skepticism regarding the sufficiency of institutional measures alone to counteract the majority's "empire." He argued that legal protections for

⁵⁵ Steven B. Smith, *Political Philosophy* (New Haven: Yale University Press, 2012), 226.

minority rights might prove inadequate against strong public sentiment. Tocqueville's concerns extended beyond the mechanics of democratic systems to the more insidious threat of majority dominance on ideas and public sentiment. He posited that in democracies, the suppression of free thinking occurs not through overt coercion, but rather through subtler societal pressures, such as the fear of ostracization. He observed, "Chains and executions are the coarse instruments that tyranny formerly employed. But in our day, civilization has perfected despotism itself, which seemed to have nothing more to learn." In Tocqueville's view, modern despotism targets the soul and the mind, bypassing the need for physical chains. In this context, Tocqueville identifies the central political challenge in democratic societies as managing the sovereignty of the people. Unlike Rousseau, who saw the general will as infallible, Tocqueville was more circumspect about the wisdom of the collective. He pondered the mechanisms that could restrain the will of the people, highlighting the need for a balance between popular governance and political wisdom.

The significance of Tocqueville's insights for contemporary democratic frameworks continues to be profound. He underscores the necessity of cultivating political wisdom as a counterbalance to the potential tyranny of the majority. In ideal democracies, it is imperative to harmonize the principles of popular sovereignty with mechanisms that foster informed, reflective, and responsible decision-making. This balance ensures that the democratic process is not just a reflection of the majority's will, but also a protector of minority rights and a promoter of thoughtful deliberation. Tocqueville's analysis suggests that true democracy requires more than just the mechanics of voting and representation; it necessitates a deeper engagement with the values of tolerance, informed discourse, and respect for diverse perspectives. This approach is crucial in preventing the descent into a "perfected despotism" where the majority's influence

overpowers the mind and soul, leading to the erosion of genuine liberty and critical thinking in society.

4.3.8 Conclusion

In addressing the intricate relationships between justice, law, and divine revelation, this discussion illuminates a critical juncture encountered by contemporary societies: the quest for a source of justice that transcends human fallibility and the limitations of secular legal systems. The argument presented underscores the notion that while legal frameworks aim to institutionalize justice, their efficacy is inherently limited by the subjective interpretations and interests of those in power. This limitation is evident in the historical and contemporary manifestations of legal systems, where laws often reflect the preferences and prejudices of ruling elites rather than universal principles of fairness.

In seeking transitional solutions to the conundrum of achieving true justice in society, this study implicitly advocates for a synthesis of divine guidance with the practical mechanisms of governance. It suggests that by grounding legal and judicial systems in principles derived from divine revelation, societies can create more equitable and just frameworks that are resilient to the whims of human desires and the pitfalls of arbitrary power. This approach does not dismiss the utility of human reason or the legal frameworks that have evolved over centuries but calls for their enhancement through the integration of timeless divine principles.

Moreover, the discussion draws parallels with Western philosophical traditions, notably through the insights of Aristotle and Alexis de Tocqueville, to highlight the universal quest for a legal system that balances the rule of law with moral integrity. Aristotle's emphasis on law as a manifestation of divine reason and Tocqueville's concerns about the tyranny of the majority

resonate with the Islamic perspective on the primacy of justice and the dangers of unchecked human authority.

In conclusion, this argument reiterates the imperative of seeking justice through a synergy between divine guidance and human endeavor. It suggests that the real source of justice lies beyond the confines of human-made laws, but rather in the realm of divine revelation, which offers a more objective and unerring standard for just governance. This approach not only enriches the legal and political discourse but also provides a viable pathway towards resolving the contemporary crisis of justice, by grounding the concept of justice in the timeless and universal principles revealed through divine revelation. By integrating divine principles with the structures of modern governance, it suggests a path forward that respects human reason while acknowledging the necessity of a higher moral compass. This approach promises a more just society, where laws reflect universal principles of fairness, equity, and compassion, transcending the limitations of human subjectivity and cultural biases. It should also be noted that just and human-centered practices include supporting individuals in whatever religion they prefer to practice (or not), even if the political system is inspired by divine revelation. All can benefit from the synthesis of divine revelation and righteous, careful human endeavor—even if they eschew belief in that divinity. Importantly, religious and legal leaders can be kept in check; their own religious impetuses cannot infringe on others who worship differently than them.

4.4 A Fourth Suggestion: The Universal Societal Project – the Notion of *Ummah*

4.4.1 Introduction

The establishment of equality and freedom among members of society is one of the most important values and ideals aimed to be achieved by democracies. This includes ensuring human

rights in general, and minority rights in particular, fostering an environment of reconciliation and tolerance among different segments, and securing social peace and internal harmony. In other words, the goal sought through pluralistic democracies, especially in the context of globalization, is the peaceful management of ethnic, cultural, or religious differences, which have become a major social reality. It involves making the experience of coexistence with “the other” a permanent feature in modern societies where pluralism has become inevitable. This includes treating everyone equally under the law and eliminating all privileges and advantages that could lead to domination of some over others, thereby paving the way to a prosperous and peaceful society.

To achieve this, modern democracies today have adopted the approach of linking all individuals living under the state to the state through the status of “citizenship” ensuring that all citizens have equal rights and freedoms regardless of differences such as religion, language, race, gender, ability, or social status. In a global world where states, societies, cultures, and civilizations interact more than ever, Muslims too must think globally. They should realize that chronic problems acquiring a global dimension cannot be solved solely through a state model and should seriously consider a universal societal project. Instead of letting Islamic values fade away in dry debates, they should be used to highlight the humane and universal aspects of Islamic civilization.

Therefore, it is imperative for contemporary Muslims to refrain from permitting the diminution of Islamic values within the confines of unproductive discourse. They ought to accentuate the humanistic and universal characteristics of Islamic civilization. Bearing in mind the reality of an interconnected global society, there is a necessity for a flexible, inspired, global perspective, acknowledging that the persistent issues at this scale cannot be addressed solely

through a framework centered around the nation-state. Rather, there is a call for contemplation on a holistic universal social project that incorporates these broader considerations.

When we look at the Quranic principles, examples from the Prophet's era, and practices of the Rightly Guided Caliphs, we see that the human element has always been of fundamental value, with equal worth accorded to all individuals regardless of religion, language, race, gender, ability, nationality, or ethnicity. After examining the relevant texts from the Quran and the Sunnah, we will specifically analyze the Charter of Medina from the era of Prophet Muhammad. We will attempt to demonstrate the similarities between the concept of “citizenship” in modern democracies and the Unified Citizenry or the “Umma” concept emphasized in the Charter of Medina 14 centuries ago. With this charter, we will explore how the Prophet managed to unite the members of a then-Bedouin society on common grounds, develop a culture of coexistence, resolve conflicts through a culture of reconciliation and agreement, and, in short, ensure peace and stability in society.

4.4.2 The Quran and the Sunnah

Humanity is a central value of the Hadith and the Quran. The Quran addresses humankind in general, regardless of the nation of origin, race, ethnicity, or gender. It says;

O mankind! We created you from a single (pair) of a male and a female, and made you into nations and tribes, that ye may know each other (not that ye may despise (each other). Verily the most honored of you in the sight of Allah is (he who is) the most righteous of you.⁵⁶

This verse clearly indicates that all people are created equally and there is a specific purpose why there are races and tribes. The only difference was at the personal level, which is if the person chooses to be righteous by choosing good deeds over bad ones. Islam’s emphasis on the equality

⁵⁶ The Quran 49:13.

of all human beings in can be further quoted in a famous hadith by the Prophet Muhammad: “All people are equal, as equal as the teeth of a comb. There is no claim of merit of an Arab over a Persian (non-Arab), or of a white over a black person, or of a male over female. Only God-Fearing people merit a preference with God.”⁵⁷ At another occasion the Prophet said: “Let people stop boasting about their ancestors. One is only a pious believer or a miserable sinner. All men are sons of Adam, and Adam came from dust.”⁵⁸

4.4.3 Unified Citizenry, “Ummah,” and the Constitution of Medina

The concept of umma also leads Muslims to embrace other believers and even non-believers within the same community. South African Muslim scholar Farid Esack indicates that “[t]he universal community under God has always been a significant element in Muslim discourse against tribalism and racism.”⁵⁹ The first constitution developed by the Prophet, the Constitution of Medina (CM), can be understood as evidence of how Islam brought together such a diverse group of people together to live peacefully to lay the foundation of a state that brought peace and prosperity to the region and the world—both then, and possibly, now. The CM, prepared as the basis of new city-state founded in Medina, was the first written constitution in Islam⁶⁰ and arguably “the earliest written constitution of a state in the World.”⁶¹ It determined “governing rules for people of Medina and addressed specific social issues of the community in

⁵⁷ Ahmed b. Hanbal, *Musnad*, ed. Şuayb Arnavut (Beirut: Mu'assasat al-Risale, 2001), 5:411.

⁵⁸ Sulayman ibn al-Ash'ath al-Sijistani (Abu Dawud), *Sunan Abī Dāwūd* (Beirut: Dar al-Kutub al-Arabi, n.d.), al-Adab:344.

⁵⁹ Farid Esack, *Qur'an, Liberation and Pluralism: An Islamic Perspective of Interreligious Solidarity Against Oppression* (Oxford: Oneworld, 1997), 193.

⁶⁰ Majid Khadduri, *War and Peace in the Law of Islam* (Baltimore: Johns Hopkins University Press, 1955), 206- 209.

⁶¹ Muhammad Hamidullah, *The First Written Constitution in the World: An Important Document of the Time of the Holy Prophet*, revised by Sh. Muhammad Ashraf (Lahore: Ashraf Press, 1968), 1.

an attempt to end the chaos and conflict that had been plaguing the region for generations.”⁶²

Before migration of the Muslims from Mecca where they fled persecution, Medina’s population was about 10,000 people which included Jewish and Polytheist Arabs consisting of many tribes. Bedouin tribalism was the primary social make-up of the Hijaz region, which included towns like Mecca, Medina, and Taif.⁶³ This was a society that was not ruled by a code of law, so it is not really possible to speak of central authority, let alone a state. Because of the lack of law, a tribe had to be strong in military power and defense; hence, regardless of religion, tribes sought power through military dominance over other tribes. As a natural result of this kind of chaotic environment, constant warfare between tribes became dominant condition in the region.

Within months of his arrival in 622, Prophet Muhammad decided to confront the situation and attempted to resolve the deep-rooted conflicts among the tribes to create a peaceful environment as the leader of the Muslims, the new residents of Medina. Thus, by negotiating and deliberating with the other tribes, the Prophet established a constitutional document which defined the rights and duties of the participants including clauses that dealt with collective protections for all citizens of Medina and seeking justice through law and community instead of tribal military actions. First, and most importantly, the document defines all the participants of the treaty, the Muslims, the Jews, and non-believers, as distinct “ummahs.” (Appendix, the CM, Articles 2 and 25). Here, the term umma corresponds to a contractual relationship between Muslims and non-Muslims. However, based on the traditional understanding, this term umma is

⁶² Yetkin Yıldırım, “Peace and Conflict Resolution in the Medina Charter,” *Peace Review* 18, no. 1 (2006): 109-117.

⁶³ Philip K. Hitti, *History of the Arabs: From the Earliest Times to the Present* (London: McMillan Education, 1937), 132.

used only for Muslims today. It seems that this term lost its true meaning over time.

Contemporary Muslim scholar Asma Afsaruddin points out the significance of the correct understanding of this term by examining the earliest texts, the Quran, and the Sunnah in her book, *The First Muslims*. She argues that the Quran uses the term umma (nations) in the verse, 49:13⁶⁴ not only in reference to the community of Muslims but also to the communities of Jews and Christians as well.⁶⁵ Hence, in the CM, “the pluralist connotations of the term umma [community]” was used in the same meaning in the Quran,” she highlights.⁶⁶ Careful examination of the Article of 2 and 25, as well, leads to the same conclusion she argued. In Article 2, the CM defines all parties as “they are one community (umma)...,” and, at the same time, in the Article 25, it clearly declares that “the Jews of the Benu ‘Auf are one community with the believers (Muslims)...” So, if the term umma had meant the unit of the Muslims in the traditional sense, the Jews and non-believers in Article 25 would have been accepted as Muslims; this is obviously inconceivable.⁶⁷ Kassim Ahmad, in his article “A Short Note on the Medina Charter,” mentions the general framework of the constitution which established a plural society and argues that within this framework, equal rights and duties were granted to all citizens of the city-state.⁶⁸

Moreover, based on Articles 1, 2, 16 and 25, the CM clearly specifies that this contractual unity does not allow any discrimination on the basis of race, language, religion, sect, or ethnic

⁶⁴ “O mankind! We created you from a single (pair) of a male and a female, and made you into nations and tribes, that ye may know each other (not that ye may despise (each other)).”

⁶⁵ Asma Afsaruddin, *The First Muslims: History and Memory* (Oxford, England: Oneworld, 2008), 7.

⁶⁶ Afsaruddin, *The First Muslims*, 7.

⁶⁷ Ali Bulaç, “The Medina Document,” *Liberal Islam: A Sourcebook*, ed. Charles Kurzman (New York: Oxford University Press, 1998), 176.

⁶⁸ Kassim Ahmad, “A Short Note on the Medina Charter,” *Constitution Society*, accessed January 17, 2024, <http://www.constitution.org/cons/medina/kassim2.htm>.

origins, since it is founded upon religious, cultural, and legal autonomy.⁶⁹ On the one hand, the CM constituted a united citizenry,⁷⁰ an umma combining of various communities; on the other hand, it did not establish an umma through recognizing Islam as the singular religion and invalidating all life forms except Islam. Instead, the CM united all residents of the Medina under one banner of common ethical living and moral principles accepted by all participants regardless of religion and ethnicity. This understanding fits with the Quranic emphasis in the verse, “Let there be no compulsion in religion,”⁷¹ as well.

In addition, this document provides us a model of how we can reconcile commonalities and differences in a heterogeneous community. Examining the articles of the constitution shows that the structure of the document was formed as reflecting that “every common interest constitutes an article of the covenant, and every article concerning points of disagreement is left to the groups themselves. Commonalities belong to the sphere of the covenant; differences belong to the autonomous sphere.”⁷² Turkish, Muslim intellectual Ali Bulaç expresses the flexibility and strength of this structure saying, “This is a rich diversity within unity, or a real pluralism.”⁷³

In Articles 19, 21, 22, and 40, the legal framework of city-state was established and most importantly, the right to seek justice was shifted from individuals to all in the central community. Hamidullah describes the CM as “very revolutionary change and improvement” for that time, which provides the people with a central public institution for seeking justice, instead of seeking

⁶⁹ Ali Bulaç, “The Medina Document,” *Liberal Islam: A Sourcebook*, 175.

⁷⁰ Kassim Ahmad, “A Short Note on the Medina Charter,” *Constitution Society*, accessed January 17, 2024, <http://www.constitution.org/cons/medina/kassim2.htm>.

⁷¹ The Quran 2: 256.

⁷² Ali Bulac, “The Medina Document,” *Liberal Islam: A Sourcebook*, ed. Charles Kurzman, (New York: Oxford University Press, 1998), 174.

⁷³ Ali Bulac, “The Medina Document,” *Liberal Islam: A Sourcebook*, 174.

it with personal power. Hence, this shift for community justice encouraged collective responsibility and this mutual cohesiveness solved the conflicts caused by separations in Medina. Moreover, Hamidullah argues that “this epoch-making innovation...brought an end for all times to the chaos of tribalism and which laid the basis for a wider institution, viz. a State.”⁷⁴

At this juncture, it should be mentioned that the CM did not – perhaps did not seek to— completely eliminate the identities present in tribalism. In fact, the CM clearly identifies the values held within tribes and validates them by conveying independent identity to each group. In conflict resolution, letting independent identities remain intact is one of the objectives of interaction goals, which “include specific desires to maintain one’s sense of self-identity.”⁷⁵ Prophet Muhammad, centuries before contemporary conflict resolution specialists would name this language, wisely mobilized the relational goals⁷⁶ of the parties (specifically Muslims and Jews), namely religion. Article 13 determined a relational goal by declaring that “The God-fearing believers shall be against the rebellious or him who seeks to spread injustice, or sin or animosity, or corruption between believers.” As mentioned above, Articles 25 - 35 unified the Jewish tribes as one community with the “believers” (Muslim residents). Article 37 clearly defined the relationship of the Muslims and the Jews by explaining that each “must bear their [own] expenses [and] each must help the other against anyone who attacks the people of this document.” As stated in these Articles, Prophet Muhammad indeed called on the essential values of Islam and Judaism to strengthen the treaty, and he established an aggregation of Medinan people along religious lines. With this religious alignment of Muslims and Jews, Prophet

⁷⁴ Muhammad Hamidullah, *The First Written Constitution in the World: An Important Document of the Time of the Holy Prophet*, revised by Sh. Muhammad Ashraf (Lahore: Ashraf Press, 1968), 18.

⁷⁵ Joyce L. Hocker and William W. Wilmot, *Interpersonal Conflict* (New York: McGraw-Hill Humanities, Social Sciences and World Languages, 2013), 81.

⁷⁶ Hocker and Wilmot, *Interpersonal Conflict*, 80.

Muhammad aimed to blur tribal lines and shift identity sources to religion. Knapp and his colleagues argue that the method of relational definition helps to resolve the conflicts by shifting the focus of attributions from groups to relationships.⁷⁷ Using this methodology, the Prophet successfully eliminated tribal conflicts by realigning Medina's residents, ending the practice of seeing each other as ardent opponents, but instead encouraging them to see each other as brothers and sisters in faith. Lastly, another important aspect of the CM lies in the fact that it was written as a result of negotiations among three different religious and social groups in year 622, and then put into practice. It was not a utopia or a theoretical political exercise in texts. It was a collaboratively written legal document practiced systematically and concretely beginning in the period from 622 and 632.⁷⁸

Eventually, the creation of ummahs –the communities—offer real pluralism to everyone such as allowing the co-existence of all religious, ethics, and political groups based on partnership, choice, and participation, which we most need in today's global world exhausted by conflicts, war, and terrorism. In our globalized world where, unlike any other period, we are connected so easily due to very rapid development of technology, rapid media, mutual understanding of one another and beliefs, and these relationships and connections are much more crucial to achieve peace and stability. In addition, there is a fact that *jahiliyyah* –ignorance—is still prevalent today, not left in the Prophet's time.

Armstrong argues that *jahiliyyah* is much in evidence in the West and as well as in the Muslim today according to her understanding of this term: “it refers to the state of mind causing

⁷⁷ M. L. Knapp, L. L. Putnam and L. J. Davis, “Measuring Interpersonal Conflict in Organizations: Where Do We Go From Here?,” *Management Communication Quarterly*, vol 1, (1988): 414–429.

⁷⁸ Ali Bulac, “The Medina Document,” *Liberal Islam: A Sourcebook*, ed. Charles Kurzman, (New York: Oxford University Press, 1998), 176.

violence and terror, not to only an historical era.”⁷⁹ Therefore, the CM remains a robust example of an alternative project that should be discussed and applied to current modern democratic state structures.

4.4.4 The Umar of the Second Caliph – the Notion of Ummah

Upon the surrender of Jerusalem in 638, the second caliph Umar’s statement of security, granted to the people of Ilya, is a noteworthy milestone in the coexisting culture in the Islamic tradition. According to this statement, the Caliph

...grant(s) them security for their lives, their possessions, and their children, their churches, their crosses, and all that appertains to them in their integrity, and their lands and to all of their religion. Their churches therein shall not be impoverished, nor destroyed, nor injured from among them; neither their endowments, nor their dignity; and not a thing of their property; neither shall the inhabitants of Jerusalem be exposed to violence in following their religion; nor shall one of them be injured.⁸⁰

With this statement, Umar, the second caliph, basically employed the notion of umma that granted equal rights and duties of the citizens, exactly as in the general framework of the CM established by the Prophet.

In addition, Thomas W. Arnold in his book, *The Preaching of Islam*, narrates a memorable anecdote which illustrates the practical wisdom and altruistic image of the second caliph. According to the story, when the time for prayer came during Umar’s visit to Jerusalem, in the company of the Patriarch of the city, the Patriarch invited Umar to offer his prayers in the Church of the Resurrection. However, Umar declined because he was worried that if he used that church for prayer, later Muslims might wrongfully claim the church as their own place of

⁷⁹ Karen Armstrong, *Muhammad: A Prophet of Our Time* (New York: Harper Collins, 2007), 7.

⁸⁰ Thomas W. Arnold, *The Preaching of Islam: A History of the Propagation of the Muslim Faith* (Westminster, CA: Archibald Constable, 1896), 51.

worship.⁸¹ This real, historical example concisely points out that how Caliph Umar skillfully understood and applied the essence of prophetic teachings about ummah-coexistence with others. He was thoughtful and respectful about the practices and feelings of others in the community and took them into account in his decision-making.

4.4.5 Conclusion

In conclusion, the Islamic tradition, as evident through the teachings of the Quran and the Sunnah, the Charter of Medina, and the actions of the early Islamic leaders like Prophet Muhammad and Caliph Umar, offers a profound and early example of the principles of equality, coexistence, and pluralism that modern democracies strive to achieve. The concept of “Ummah” established in the Islamic tradition embodies a vision of a unified citizenry, transcending racial, ethnic, and religious divisions. This vision is strikingly similar to the modern democratic ideal of citizenship, where every individual, regardless of their background, is afforded equal rights and responsibilities. The practices and policies instituted by the Prophet Muhammad in Medina and the actions of Caliph Umar in Jerusalem serve not just as historical anecdotes, but as timeless models for constructing a society based on mutual respect, justice, and harmony. These examples highlight the potential of embracing diversity and fostering a collective identity that unites rather than divides. As our world grapples with issues of multiculturalism, religious tolerance, and social integration, the Islamic precedent offers valuable insights. It underscores the importance of building communities where differences are not merely tolerated, but celebrated as a source of strength and enrichment. In an era marked by global interconnectedness and interdependence, such lessons from the Islamic tradition are more relevant than ever, providing a roadmap for creating peaceful, prosperous societies that uphold the dignity and rights of all individuals.

⁸¹ Arnold, *The Preaching of Islam*, 51.

Therefore, Muslims today, instead of allowing Islamic values to be depleted amidst sterile debates, should highlight the humane and universal aspects of Islamic civilization. With an awareness of the possibilities that come from living in an interconnected world, they need to think globally, recognizing that chronic problems acquiring global dimensions cannot be solved solely through a state-centric model. Instead, they should contemplate a comprehensive, universal, societal project that embraces these wider considerations.

4.5 A Criticism Regarding Transition

We must also address the criticism that my study lacks detail on what a transition from the current state of affairs to the ideal outcome within the context of integrating Islamic principles with modern state governance; this assessment may initially seem valid. However, this critique overlooks the nuanced approach that the text takes towards the concept of transition, which is, in fact, woven implicitly throughout the discussion. Arguing that the blueprint for transition is absent is to disregard the layered presentation of principles, historical precedents, and the inherent flexibility within Islamic political thought that have been laid out, which collectively suggest pathways for practical implementation. Repeated layers of nuance lead to a roadmap that can be embraced with thoughtfulness rather than an authoritative, direct recommendation. We must remember as well that these recommendations include the expertise and needs of individuals within distinct societies; only hubris would invite a specific recommendation that could be intentional and flexible enough to serve so many leaders and civic endeavors.

4.5.1 An Implicit Blueprint for Transition

This discourse systematically delineates the foundational Islamic principles relevant to governance—such as consultation (shura), justice, accountability, and community welfare—

drawing from the rich historical and theological legacy of Islamic political thought. A critique regarding [perceived lack of] recommendations for transition seemingly overlooks how these principles, articulated through the insights of scholars and historical precedents, serve as the very bedrock for transitioning towards a governance model that harmonizes with both Islamic values and democratic norms. Far from being utopian, this approach is deeply pragmatic, advocating for a gradual, principled evolution in governance that is rooted in Islam's adaptable, community-centered ethos and available to Muslim leaders committed to justice and equity and seeking models for open discourse. Specifically in the section on *shura*, with examples from various political contexts in history, we see evidence of how a blueprint can be created and adapted, with both theological models and key civic details for participation and invitation for leadership.

4.5.2 Academic Rigor and Specificity

The text employs a methodological approach that juxtaposes the theoretical underpinnings of Islamic governance with practical instances from Islamic history and contemporary efforts towards Islamic democracy. This is not merely an academic exercise but a deliberate attempt to showcase the viability of transition through historical exemplification and current practices. By analyzing the early Islamic caliphate and the rightly guided caliphs with exegesis, and juxtaposing these with modern instances where Islamic countries navigate the complexities of democracy and Sharia, the text implicitly argues for the possibility and processes of transition. The structure of comparison with Western philosophers, theological and historical exegesis, and practice examples—repeated in each section—creates the opportunity for replication and application. Every analysis within this text points to the possibility for change; the recommendation that Muslim leaders embrace it resounds.

4.5.3 Addressing the Mechanisms of Transition

Transition, as envisaged in the text, is multifaceted, involving legal, social, and political transformations. (Each of these take time and must include maximum participation from stakeholders; including stakeholders requires additional goals such as providing mechanisms for literacy and participation.) This also involves a reinvigoration of Islamic jurisprudence (*fiqh*) to address contemporary issues, promoting a governance ethos that balances religious obligations with civic rights and duties, and fostering a political culture that prioritizes ethical leadership and public accountability. Any recommended transition is thus framed as a deeply iterative process, one that evolves through dialogue, legal reform, and the institutionalization of Islamic principles in a manner that respects the pluralistic, diverse nature of modern polities.

The process under consideration necessitates, first and foremost, a legal transformation. This entails an iterative process of legal reform that engages stakeholders to ensure inclusivity and broad participation. A crucial aspect of this transformation is the integration of Islamic principles into contemporary legal systems. For example, enhancing literacy and participatory mechanisms might involve the development of community-based legal workshops that educate citizens on their rights and responsibilities under this integrated legal framework. Furthermore, revising and adapting Islamic jurisprudence (*fiqh*) to contemporary contexts could include the application of Islamic financial principles to modern banking laws, ensuring they align with ethical standards and address current economic challenges.

Secondly, a social transformation is imperative. This involves fostering a governance ethos that balances religious obligations with civic responsibilities, thereby cultivating a societal framework that upholds diversity and pluralism. An example of this could be the implementation of interfaith dialogue programs that promote understanding and respect among different religious

communities. Additionally, promoting educational and participatory avenues to bolster public engagement in governance could involve establishing civic education curricula in schools that emphasize the importance of civic engagement and the role of citizens in a democratic society.

Finally, political transformation is critical. Such a transformation is achieved by nurturing ethical leadership and accountability in governance. This could be exemplified by the establishment of independent oversight bodies that monitor government actions and ensure adherence to principles of transparency and ethical conduct. The institutionalization of Islamic governance principles, emphasizing ethical conduct, transparency, and public accountability, might involve adopting a code of ethics for public officials that is informed by Islamic values. Additionally, encouraging dialogue and the iterative refinement of policies to achieve a harmonious balance between religious tenets and the civic rights of a pluralistic society could be seen in the creation of policy forums that include diverse societal voices in the decision-making process. Supporting an active, open, and free press (the fourth estate) also increases transparency and accountability for those in leadership as well as engagement and discourse from members of the public.

This approach—fostering legal, social, and political transformation—underscores the importance of a deeply iterative and inclusive process, rooted in dialogue and legal reform, to institutionalize Islamic principles in a way that respects the pluralistic nature of modern societies.

4.5.4 Practical Examples and Contemporary Relevance

Contrary to the assumptions made by a possible critique regarding recommendations for transition, the text does not shy away from addressing contemporary challenges and opportunities within Islamic governance. It acknowledges the complexities faced by modern Islamic states in navigating the dichotomy between tradition and modernity. By analyzing

current attempts to integrate Islamic governance principles within democratic structures, the text provides a nuanced understanding of transition in practice. This includes discussions on the role of civil society, the importance of political pluralism, and the need for an inclusive approach that respects the rights and freedoms of all citizens, thereby making the argument for transition both specific and grounded in real-world examples. The potential for such a transition in contemporary Turkey, if not overtly stated, provides both scaffold and constant impetus for even making such a study.

Furthermore, this text implicitly argues that the seeds for this transition are already being sown in various contexts where Islamic principles are being interpreted in ways that resonate with democratic values, emphasizing inclusivity, accountability, and social justice. Examples of such transitions, though not explicitly cataloged in the text, can be observed in the efforts of Muslim-majority countries that seek to balance religious principles with democratic governance, albeit with varying degrees of success and challenges.

The integration of Islamic governance principles within modern democratic frameworks represents a nuanced and multifaceted endeavor. Both historical precedents and ongoing efforts across various contexts underscore its viability. This discussion draws upon significant instances from Islamic history and contemporary experiences to affirm that a pathway towards such an integration is not merely theoretical but is being actively explored and implemented.

Firstly, the governance model of the Rashidun Caliphate serves as a prime illustration of consultative governance, as highlighted in earlier discussions. This early Islamic administration was characterized by its adherence to shura (consultation) and justice, principles that echo the democratic values of participation and accountability. The proactive engagement of the caliphs with the community in decision-making processes manifested an early iteration of political

inclusivity. This form of governance, deeply rooted in Islamic tradition, aligns closely with the ethos of contemporary democratic practices.

Moreover, the era of Islamic rule in Al-Andalus stands as a testament to religious and cultural pluralism. This period is renowned for its religious tolerance and the flourishing of a multicultural society, where Muslims, Christians, and Jews (with varying degrees of belief and practice) coexisted and contributed to societal prosperity. The legacy of Al-Andalus accentuates the compatibility of Islamic governance with the principles of diversity and coexistence.

In the realm of modern examples, Indonesia's journey towards democracy merits attention. As the largest Muslim-majority country globally, Indonesia exemplifies how democratic governance can be harmoniously blended with Islamic values. The nation has adeptly addressed the complexities of political pluralism, civil society participation, and religious freedom, thereby showcasing the synergistic potential between democratic governance and Islamic principles.

Additionally, the experience of Malaysia in integrating Islamic principles within a multi-ethnic democracy provides further insight. Malaysia's legal framework, which marries civil law with Islamic law (Sharia) for personal and family matters among Muslims, coupled with its dynamic civil society, presents one pragmatic model for balancing religious values with democratic governance principles.

These historical precedents and contemporary examples demonstrate that integrating Islamic governance principles within democratic frameworks is not only possible but also conducive to creating just, inclusive, and pluralistic societies. The roadmap for this transition, grounded in Islamic traditions and contemporary efforts, offers a promising avenue for achieving harmonious governance that respects Islamic values while embracing modern democratic ideals.

4.5.5 A Possible Roadmap for Transition

In this section, we identify five tangible steps that can create a concrete roadmap for transition within a democratic society, especially from an Islamic viewpoint. These elements are deeply intertwined with Islamic governance, education, societal norms, spiritual values, and community life. We include a detailed analysis of each step and how Muslim leaders could practically implement these principles in a city or even a country, demonstrating a transition towards genuinely Islamic democracies as a solid program for reform:

4.5.5.1 The Establishment of a Just and Accountable Governance

Vision: A government system that is transparent, accountable, and just, ensuring the fair application of laws and equal treatment of all citizens.

Islamic Implementation: A Muslim leader can establish justice and accountability by ensuring that governance is based on Islamic core principles, which emphasize justice, consultation (shura), and the welfare of the community (*Maslahah*). This involves setting up institutions that not only adjudicate according to Islamic law but also incorporate mechanisms for critique, public accountability, and transparency, ensuring leaders are answerable to the community and Allah.

4.5.5.2 The Promotion of Education and Intellectual Openness

Vision: A society that values education, critical thinking, and intellectual openness, fostering a culture of learning and enlightenment.

Islamic Implementation: Islamic teachings place a high value on knowledge and learning. A Muslim leader can promote education by investing in inclusive educational institutions that offer both secular and religious knowledge, encouraging critical and creative thinking, curiosity, and intellectual openness. This approach should aim at nurturing well-rounded individuals from

all economic and cultural backgrounds who are not only proficient in Islamic sciences but also in the arts, sciences, and humanities, enabling them to contribute effectively, throughout their lives, to society.

4.5.5.3 Fostering a Shared Social Contract

Vision: A society characterized by mutual respect, ethical conduct, and a commitment to the common good.

Islamic Implementation: Through the promotion of Islamic ethics and morality, a Muslim leader can cultivate a society that values mutual respect, compassion, and amity. This involves implementing social programs that care for the needy, promote social justice, and encourage community service, thereby embedding the values of altruism and empathy within the societal fabric.

4.5.5.4 Creating an Environment of Spiritual and Moral Well-being

Vision: An environment that supports spiritual growth, moral excellence, and a higher quality of life.

Islamic Implementation: A Muslim leader can create such an environment by ensuring that mosques and community centers are not only places of worship but also centers for community engagement and spiritual growth. Programs focusing on personal development, family values, and social ethics can help nurture a spiritually fulfilling and morally upright society.

4.5.5.5 Advancing the Ideal of Democracy as a Spiritual Value

Vision: Democracy as a spiritual value that uplifts human dignity and freedom, aiming for happiness and a higher quality of life for all.

Islamic Implementation: To advance democracy as a spiritual value, a Muslim leader can

emphasize the Islamic principles of shura (consultation) and ijma (consensus), promoting participatory governance where the voices of all community members are heard and valued. This involves creating platforms for dialogue, engaging with diverse community groups, and ensuring that policies reflect the community's needs and aspirations.

All of these steps include theological and civic values already embraced by Muslim communities, and aspects of community life (mosques and community centers, emphasis on education, care for the vulnerable) that are familiar to Muslim communities and leaders. The transition towards genuinely Islamic democracies necessitates a meticulously strategic and incremental approach that is both comprehensive and systematic, but this transition does not require new information, new practices, or unfamiliar frameworks. At the forefront of this transformative journey is the imperative of legal and institutional reform. We note that private citizens and community members may be more primed to participate in the overarching endeavor; those with more power—in legal and institutional power—bear the burden of facilitating change, including, potentially, giving up some power or opening systems to critique and change. This initial phase involves the critical alignment of legal and institutional frameworks with the core Islamic principles of justice, accountability, and public welfare, thereby laying a solid foundation for governance that is both ethical and equitable. Concurrently, there is a paramount need for the launch and maintenance of comprehensive education and awareness campaigns. These initiatives are designed to cultivate a deep-seated understanding of Islamic governance, democracy, and civic responsibilities among the populace, fostering an informed citizenry that is both enlightened and engaged. Equally critical to this process is the bolstering of trust, community engagement, and participation in governance. By leveraging local councils and forums, and including women, young adults, the elderly, and even those with

disabilities in ways they can contribute (to maximize inclusion, diverse viewpoints, and justice), the aim is to ensure that decision-making processes are not only inclusive but also genuinely reflective of the community's diverse needs and aspirations, thereby enhancing the legitimacy and effectiveness of governance. Alongside these endeavors, the strategy encompasses the implementation of policies geared towards economic justice and empowerment. Such policies are aimed at addressing systemic inequalities and ensuring that the fruits of economic development are equitably distributed across all segments of society, thereby fostering a sense of fairness and solidarity. Lastly, the strategy acknowledges the indispensable role of international collaboration. By engaging in dialogue and partnership with both Muslim and non-Muslim countries, the goal is to share best practices, learn from successful models of Islamic governance, and collectively promote the ideals of Islamic democracy on a global scale. This multifaceted strategy, by intertwining legal, educational, communal, economic, and international dimensions, charts a pragmatic yet visionary path towards the establishment of Islamic democracies that are not only viable but also vibrant and inclusive, embodying the rich tapestry of Islamic principles in the governance of modern societies.

This strategic approach demonstrates that this roadmap is not mere idealism but a realistic and achievable goal, grounded in Islamic principles and adaptable to modern contexts. By carefully balancing traditional values with the demands of contemporary society, Muslim leaders can guide their communities towards fulfilling democracies that honor the spiritual, ethical, and social dimensions of Islam. Finally, each step towards implementing part of these steps benefits citizens and increases the health and flourishing of communities. We need not wait until the entire implementation is complete to begin to see the fruits of change. Healthy, open, dialogic practices benefit leaders and citizens, and increase the likelihood of success for the

initiatives the follow.

4.5.6 Conclusion

In closing, the critique suggesting a lack of detail regarding the transition from current governance models to those integrating Islamic principles with modern state governance merits a comprehensive response that underscores the scholarly depth and methodological robustness of this discourse. This study has systematically unpacked the rich tapestry of Islamic political thought, historical paradigms, and contemporary endeavors, demonstrating not only the feasibility but the active pursuit of such integration across various contexts.

The discussion has delved into the foundational principles of Islamic governance—such as shura (consultation), justice, accountability, and the welfare of the community—drawing from the profound historical and theological legacies of Islam to outline a nuanced blueprint for transition. This blueprint is pragmatic, advocating for a gradual yet principled evolution in governance that harmonizes Islamic values with democratic norms. It is rooted in the adaptability and community-centric ethos of Islam, offering a guide for Muslim leaders and societies striving towards justice, equity, and open discourse.

Through methodical analysis juxtaposing the theoretical underpinnings of Islamic governance with tangible historical instances and current practices, the text argues convincingly for the viability of this transition. From the early Islamic caliphates to modern examples of Islamic democracies navigating the complexities of democracy and Sharia, each analysis reinforces the potential for transformative change grounded in Islamic principles.

The envisaged transition involves multifaceted transformations—legal, social, and political—each necessitating broad participation and dialogue to reinvigorate Islamic jurisprudence (*fiqh*) for contemporary challenges, promote a governance ethos balancing

religious and civic obligations, and foster a political culture prioritizing ethical leadership and accountability. These transformations are framed as deeply iterative processes, evolving through continuous dialogue, legal reforms, and the institutionalization of Islamic principles in ways that respect the pluralistic and diverse nature of modern societies.

Furthermore, by highlighting real-world examples of countries navigating the dichotomy between tradition and modernity, the text underlines the contemporary relevance and practicality of these transitions. It showcases how Islamic principles are being interpreted in ways that resonate with democratic values, emphasizing inclusivity, accountability, and social justice, thereby providing concrete examples of the ongoing efforts to balance religious principles with democratic governance.

Therefore, the conclusion drawn from this discourse is twofold: it reaffirms the academic rigor and methodological sophistication that guide the exploration of Islamic political thought's applicability to modern governance, and it elucidates the implicit yet tangible pathways for transition delineated within the text. Far from being a utopian ideal or an academic exercise, the transition towards integrating Islamic values within democratic frameworks is depicted as a realistic and attainable process, deeply informed by a thoughtful engagement with Islamic ethical, legal, and political traditions. This scholarly endeavor offers a promising *roadmap* for achieving harmonious governance that respects Islamic values while embracing the ideals of modern democracy, contributing to the creation of just, inclusive, and pluralistic societies.

Chapter 5

LAST WORDS

This study concludes with the formulation of an alternative Islamic theory of open political discourse. By analyzing and interlinking the concepts of open political discourse from Western and Islamic traditions, the research aims to offer a unique, practical framework for contemporary Muslim societies. This framework not only addresses current political challenges but also recontextualizes them within a deeply Islamic theological and philosophical perspective.

As an alternative theory of open political discourse which presents a comprehensive and nuanced approach to governance that integrates religious and ethical values, educational empowerment, justice rooted in divine guidance, and the universal societal project of Ummah within the framework of modern democracies. This alternative approach recognizes the deep interplay between spiritual beliefs and political structures, advocating for a governance model that resonates with both the material and spiritual aspirations of the populace.

First, integrating spiritual values in governance is paramount, especially within Muslim communities, where spirituality and daily life are deeply intertwined for most. This necessity underscores the significance of creating functional political structures that not only cater to worldly benefits but also respect and incorporate the religious needs of the populace. Drawing inspiration from Islamic governance, particularly the Caliphate model, this approach is not about establishing theocracy or conflating religious authority with state power. Instead, it emphasizes a balanced and democratic method, where governance is informed and shaped by the populace's demands and preferences regarding their faith. This model, as mandated by the Quran and the Sunnah, focuses on upholding justice, equity, and the welfare of all, advocating for a system that

neither secularizes governance entirely nor disregards the spiritual and ethical aspirations of its people. Such a model fosters a society where spiritual and worldly affairs are harmoniously integrated, reflecting a governance style that truly resonates with the religious sentiments and ethical considerations of its citizens, thus ensuring a cohesive and inclusive approach in the context of modern democracy. Remember also that this system allows for dissent, requires consultation, and checks the unethical power impulses of leaders who discard their commitment to the welfare of all.

Secondly, empowering society through comprehensive, accessible education is a pivotal element for fostering more democratic and open political structures. This second suggestion emphasizes the critical role of education in awakening societal consciousness, instilling a sense of justice, accountability, and ethical conduct, which aligns with the teachings of the Quran and the Sunnah, and allowing for sustained and inclusive participation by citizens. Beyond mere academic learning, education should encompass moral and spiritual enlightenment, ensuring individuals are not only knowledgeable but also ethically guided in their actions and decisions. This holistic approach is crucial in developing leaders and citizens who are competent, compassionate, just, and accountable. Such an educated and conscious populace, coupled with an aware and capable ruling class, subject to change if they cease adhering to the social contract, is fundamental for establishing and maintaining just and effective governance. This perspective reiterates that democracy transcends a mere political system, embodying a perspective and a way of understanding that shapes the form and substance of governance, leading to a society where leaders and citizens alike contribute meaningfully to the establishment of a balanced, ethical, and progressive societal framework.

The third suggestion advocates for a conception of justice that is deeply rooted in divine

guidance, transcending the limitations of human reason and legal constructs. This approach posits that the true essence of justice is best realized through the comprehensive framework provided by divine revelation, as embodied in the Quran and the Sunnah. It acknowledges the critical role of human intellect in interpreting and applying justice but emphasizes that its fullest potential is reached when harmonized with the higher ethical standards and wisdom of divine guidance. This perspective suggests that adherence to legal norms alone does not automatically equate to justice. Instead, a more objective and concrete form of justice emerges when informed by the principles of divine teaching, which underscore fairness, equity, community welfare, and adherence to the rule of law. Such an approach offers a definitive criterion for justice, one that transcends cultural biases and human fallibility, anchoring justice in a framework that is both divinely inspired and universally applicable.

The final suggestion underscores the concept of Ummah as a universal societal project, illustrating a comprehensive and inclusive community that transcends ethnic, racial, and religious boundaries. This idea, rooted in the Islamic tradition and exemplified by the Charter of Medina under Prophet Muhammad's leadership, provides a historical model for coexisting peacefully and justly within a unifying ethical and moral framework. This approach redefines the modern notion of citizenship, celebrating diversity and fostering communal harmony. The concept of Ummah extends beyond the Muslim community to embrace all of humanity, advocating for a society grounded in the universal values of justice, peace, and mutual respect. It offers valuable lessons and a blueprint for contemporary societies facing challenges in multiculturalism and social integration, demonstrating how equality, mutual respect, and pluralism can be effectively achieved through the teachings and practices of Islamic tradition.

In summary, this study advocates for an innovative paradigm of governance, deeply

anchored in Islamic tenets, which presents a harmonious integration of spiritual and religious values within the fabric of societal needs. This proposed model underscores the indispensable role of holistic education in cultivating societal consciousness, thereby contributing significantly to the formation of an ethically and spiritually informed citizenry. Central to this discourse is the advocacy for a justice system that is intrinsically rooted in divine revelation, aligning with the profound ethical and moral guidance offered by the Quran and the Sunnah. Furthermore, this model embraces the concept of Ummah as a quintessential, universal, societal project, transcending conventional ethno-religious boundaries to foster a community grounded in principles of justice, equity, and mutual respect. This approach not only redefines the contours of democratic governance by interweaving spiritual, ethical, and legal dimensions in a cohesive tapestry but also reflects the rich and diverse ethical heritage of Islam. It seeks to establish a just, compassionate, and cohesive society, adept at navigating the complexities and challenges inherent in the modern world, and thereby holds the promise of engendering a more equitable and harmonious global milieu. This dissertation, therefore, contributes a nuanced and robust theoretical framework to the discourse on open political dialogue, grounded in the profound spiritual and ethical aspirations of Islam, and offers a viable pathway towards realizing a more just and balanced world order.

In addressing the world, both within and beyond the Islamic community, it is imperative to articulate a message of hope, resilience, and conviction in the transformative power of Islamic principles when applied to governance and societal organization. This discourse is not merely academic; it is a passionate affirmation of the potential for a harmonious coexistence between Islamic values and contemporary democratic ideals. To the Islamic world, and indeed to all global citizens, this text underscores the viability and necessity of striving towards a model of

governance that integrates spiritual and ethical values, justice rooted in divine guidance, and a profound commitment to the welfare of the Ummah and humanity at large. This endeavor is not only possible; it is essential for Muslims to remain steadfast in their quest for a just society that is faithful to God's teachings. The pursuit described in this text is a testament to Islam's dynamic, flexible, and inclusive nature, offering a blueprint for a society that upholds justice, equity, and compassion as its cornerstones.

Anticipating critics who fear that learning from the West might corrupt Islamic tradition, it is crucial to delineate the distinction between adopting useful methodologies and compromising on core principles. Islamic civilization has a rich history of engaging with, learning from, and contributing to global knowledge. This engagement has never been about diluting Islamic identity but about enriching it. The essence of this discourse is not to mimic the West uncritically but to engage in a constructive dialogue that allows us to refine our governance models without losing sight of our spiritual and ethical foundations. The principles of justice, consultation, and community welfare are universal values that Islam has championed since its inception. By integrating these principles with positive aspects of contemporary governance, we fortify, rather than compromise, Islamic tradition.

To those who label this vision as utopian, the response is grounded in the pragmatic and adaptive essence of Islamic teachings. The skepticism regarding the feasibility of transitioning from the current global reality to the envisioned model underestimates the transformative power of education, the resilience of faith, and the capacity of Islamic jurisprudence to evolve in response to societal needs. This is not a call to an impossible return to an idealized past or an unrealistic leap into a perfect future. Instead, it is an invitation to embark on a gradual, thoughtful process of societal development that leverages Islamic principles to address

contemporary challenges. The success of this model in various contexts, albeit in nascent forms, demonstrates its potential. Islamic history is replete with examples of innovation, adaptation, and resilience in the face of challenges. Today, we are called upon to draw on this legacy to navigate the complexities of modern governance, ensuring that our approaches are both rooted in tradition and responsive to the needs of a rapidly changing world.

In essence, this study is a call to action—a declaration that the integration of Islamic principles with democratic governance is not only necessary but eminently possible. It is a commitment to a journey that honors our past, addresses the present, and builds a future where Islamic values and modern democratic principles coalesce to create societies that are just, compassionate, and flourishing. This vision for governance, inspired by Islamic teachings and open to constructive engagement with global ideas, holds the promise of a world where faith and freedom, tradition and innovation, are not at odds but in harmony.

In conclusion, this dissertation represents a clarion call to Muslims and non-Muslims alike to embark on a collective journey towards realizing a governance model that harmoniously blends Islamic ethical principles with the ideals of modern democracy. This model advocates for a governance system informed by the spiritual and ethical aspirations of the Muslim community, emphasizing justice, equity, and the common good. It champions an educational paradigm that fosters ethical consciousness and civic responsibility, and it envisions a society where the principles of divine justice guide the formulation and implementation of laws. By embracing the concept of Ummah as a universal societal project, this model extends an invitation to all of humanity to forge a global community rooted in mutual respect, solidarity, and shared aspirations for a just and peaceful world.

This endeavor is neither an exercise in nostalgia nor an unrealistic aspiration for a perfect

society; it is a pragmatic blueprint for societal development that leverages the timeless principles of Islam to address the pressing challenges of our time. It is a testament to the enduring relevance of Islamic teachings and their capacity to inspire solutions that cater to the spiritual and material well-being of humanity. As we move forward, let this dissertation serve as a foundation for ongoing dialogue, research, and action towards achieving a more just, compassionate, and inclusive world, guided by the light of Islamic principles and the best of human values.

Appendix

The Constitution of Medina⁸²

In the name of God, the Compassionate, the Merciful.

(1) This is a document from Muhammad the prophet (governing the relations) between the believers and Muslims of Quraysh and Yathrib, and those who followed them and joined them and labored with them.

(2) They are one community (*umma*) to the exclusion of all men.

(3) The Quraysh emigrants according to their present custom shall pay the bloodwit within their number and shall redeem their prisoners with the kindness and justice common among believers.

(4-8) The B. 'Auf according to their present custom shall pay the bloodwit they paid in heathenism; every section shall redeem its prisoners with the kindness and justice common among believers. The B. Sa'ida, the B. 'l-Harith, and the B. Jusham, and the B. al-Najjar likewise.

(9-11) The B. 'Amr b. 'Auf, the B. al-Nabit and the B. al-'Aus likewise.

(12)(a) Believers shall not leave anyone destitute among them by not paying his redemption money or bloodwit in kindness.

(12)(b) A believer shall not take as an ally the freedman of another Muslim against him.

(13) The God-fearing believers shall be against the rebellious or him who seeks to spread injustice, or sin or animosity, or corruption between believers; the hand of every man shall be against him even if he be a son of one of them.

⁸² Alfred Guillaume, *The Life of Muhammad* (Karachi, Pakistan: Oxford University Press, 1955), 231-233, http://www.constitution.org/cons/medina/con_medina.htm. Numbering added.

(14) A believer shall not slay a believer for the sake of an unbeliever, nor shall he aid an unbeliever against a believer.

(15) God's protection is one, the least of them may give protection to a stranger on their behalf. Believers are friends one to the other to the exclusion of outsiders.

(16) To the Jew who follows us belong help and equality. He shall not be wronged nor shall his enemies be aided.

(17) The peace of the believers is indivisible. No separate peace shall be made when believers are fighting in the way of God. Conditions must be fair and equitable to all.

(18) In every foray a rider must take another behind him.

(19) The believers must avenge the blood of one another shed in the way of

God. (20)(a) The God-fearing believers enjoy the best and most upright guidance.

(20)(b) No polytheist shall take the property of person of Quraysh under his protection nor shall he intervene against a believer.

(21) Whoever is convicted of killing a believer without good reason shall be subject to retaliation unless the next of kin is satisfied (with blood-money), and the believers shall be against him as one man, and they are bound to take action against him.

(22) It shall not be lawful to a believer who holds by what is in this document and believes in God and the last day to help an evil-doer or to shelter him. The curse of God and His anger on the day of resurrection will be upon him if he does, and neither repentance nor ransom will be received from him.

(23) Whenever you differ about a matter it must be referred to God and to Muhammad.

(24) The Jews shall contribute to the cost of war so long as they are fighting alongside

the believers.

(25) The Jews of the B. 'Auf are one community with the believers (the Jews have their religion and the Muslims have theirs), their freedmen and their persons except those who behave unjustly and sinfully, for they hurt but themselves and their families.

(26-35) The same applies to the Jews of the B. al-Najjar, B. al-Harith, B. Sai ida, B. Jusham, B. al-Aus, B. Tha'laba, and the Jafna, a clan of the Tha'laba and the B. al-Shutayba. Loyalty is a protection against treachery. The freedmen of Tha'laba are as themselves. The close friends of the Jews are as themselves.

(36) None of them shall go out to war save the permission of Muhammad, but he shall not be prevented from taking revenge for a wound. He who slays a man without warning slays himself and his household, unless it be one who has wronged him, for God will accept that.

(37) The Jews must bear their expenses and the Muslims their expenses. Each must help the other against anyone who attacks the people of this document. They must seek mutual advice and consultation, and loyalty is a protection against treachery. A man is not liable for his ally's misdeeds. The wronged must be helped.

(38) The Jews must pay with the believers so long as war lasts.

(39) Yathrib shall be a sanctuary for the people of this document.

(40) A stranger under protection shall be as his host doing no harm and committing no crime.

(41) A woman shall only be given protection with the consent of her family.

(42) If any dispute or controversy likely to cause trouble should arise it must be referred to God and to Muhammad the apostle of God. God accepts what is nearest to piety and goodness in this document.

(43) Quraysh and their helpers shall not be given protection.

(44) The contracting parties are bound to help one another against any attack on Yathrib.

(45)(a) If they are called to make peace and maintain it they must do so; and if they make a similar demand on the Muslims it must be carried out except in the case of a holy war.

(45)(b) Every one shall have his portion from the side to which he belongs.

(46) The Jews of al-Aus, their freedmen and themselves have the same standing with the people of this document in purely loyalty from the people of this document. Loyalty is a protection against treachery. He who acquires ought acquires it for himself. God approves of this document.

(47) This deed will not protect the unjust and the sinner. The man who goes forth to fight and the man who stays at home in the city is safe unless he has been unjust and sinned. God is the protector of the good and God-fearing man and Muhammad is the apostle of God.

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